

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

55th Legislative Day

June 26, 1989

PRESIDENT ROCK:

The hour of one o'clock having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this afternoon by the Reverend Jim Woods, Tabernacle Baptist Church, Decatur, Illinois. Reverend.

THE REVEREND JIM WOODS:

(Prayer given by the Reverend Jim Woods)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary.

SECRETARY HAWKER:

Senate Journals of Thursday, June 15, and Friday June 16, 1989.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT ROCK:

All right. You've heard the motion as placed by Senator Hall. Is there any discussion? If not, all in favor, indicate by saying Aye. All Opposed. The Ayes have it. The motion carries, and it so ordered. Senator Hall.

SENATOR HALL:

Mr. President, I move that reading and approval of the Journals of Monday, June 19th; Tuesday, June the 20th; Wednesday, June 21st; Thursday, June 22nd; Friday, June 23rd; and Saturday, June 24th, in the year 1989, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

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You've heard the motion as placed by Senator Hall. Any discussion? If not, all in favor, indicate by saying Aye. All opposed, Nay. The Ayes have it. The motion carries, and it is so ordered. Resolutions.

SECRETARY HAWKER:

Senate Resolution 479 offered by President Rock and all Members.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. Message from the Governor.

SECRETARY HAWKER:

A Message from the Governor by Zack Stamp, Director of Legislative Affairs.

Mr. President - The Governor directs me to lay before the Senate the following Message.

State of Illinois, Executive Department, to the Honorable Members of the Senate, Eighty-sixth General Assembly: I have nominated and appointed the following named persons to the offices enumerated below, and respectfully ask concurrence in and confirmation of these appointments by your Honorable Body.

PRESIDENT ROCK:

Committee on Executive Appointments. Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I'm directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 237 with House Amendment No. -- No. 1 and 2.

I have a like Message on Senate Bill 768 with House Amendment No. 1.

A Message from the House by Mr. O'Brien, Clerk.

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Mr. President - I'm directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 237 with House Amendment No. -- Nos. 1 and 2.

I have a like message on Senate Bill 768 with House Amendment No. 1.

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I'm directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 32 with Senate Amendment No. 1.

I have a like message with regards to:

Senate, pardon me, with House Bill -- with Senate Amendment No. 1 to House Bill 56.

Senate Amendment No. 1 to House Bill 313.

Senate Amendments No. 1 and 2 to House Bill 416.

Senate Amendment No. 1 to House Bill 514.

Senate Amendment No. 1 to House Bill 515.

Senate Amendment No. 1 to House Bill 519.

Senate Amendment No. 1 to House Bill 541.

Senate Amendment -- Amendments No. 1 and 2 to Senate Bill -- House Bill 574.

Senate Amendment No. 1 to House Bill 643.

Senate Amendment No. 1 to House Bill 879.

Senate Amendment No. 1 to House Bill 1057.

Senate Amendment No. 1 to House Bill 1085.

Senate Amendment No. 1 to House Bill 1111.

Senate Amendments 1 and 2 to House Bill 1191.

Senate Amendments 1 and 2 to House Bill 1192.

Senate Amendment No. 1 to House Bill 1217.

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Senate Amendment No. 1 to House Bill 1218.
Senate Amendment No. 1 to House Bill 1287.
Senate Amendment No. 1 to House Bill 1359.
Senate Amendment No. 1 to House Bill 1384.
Senate Amendments No. 2 and 3 to House Bill 1406.
Senate Amendments No. 1 and 2 to House Bill 1503.
Senate Amendments 1, 2 and 3 to House Bill 1571.
Senate Amendment No. 1 to House Bill 1726.
Senate Amendment No. 1 to House Bill 1883.
Senate Amendment No. 1 to House Bill 2060.
Senate Amendment No. 1 to House Bill 2171.
Senate Amendment No. 1 to House Bill 2274.
Senate Amendment No. 1 to House Bill 2363.
Senate Amendments 1, 2 and 3 to House Bills -- House

Bill 2450.

Senate Amendment No. 1 to House Bill 2485.
Senate Amendment No. 1 to House Bill 2491.
Senate Amendment No. 1 to House Bill 2693.
Senate Amendments 1, 2 and 3 to House Bill 2702.
Senate Amendment No. 1 to House Bill 2729.
Senate Amendment No. 1 to House Bill 2756.
Senate Amendment No. 1 to House Bill 2785.
Senate Amendment No. 1 to House Bill 2798.

PRESIDENT ROCK:

(Machine cutoff) Secretary's Desk. Committee Reports, Madam Secretary.

SECRETARY HAWKER:

Senator Kelly, Chairman of the Committee on Executive Appointments, Veterans Affairs and Administration, to which was referred the Messages -- Message of the Comptroller of March 27, 1989, and the Governor's -- Message of April 13, reported the same back with a recommendation that the Senate advise and consent

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to the following appointments.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, Members of the Senate. I move that the Senate resolve itself into Executive Session for the purpose of acting on the Comptroller's appointment set forth in his Message of March 27, 1989, and the Governor's appointments set forth in his Message of April 13, 1989.

PRESIDENT ROCK:

All right. You've heard the motion as placed by Senator Kelly, that the Senate resolve itself into Executive Session. All in favor of the motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The Senate is now in Executive Session. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Comptroller's Message of March 27, 1989, I will read the salaried appointment to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be the Director of Personnel for the Office of the Comptroller for a term expiring January 21, 1991; M. Alice Kirby.

Having read the salaried appointment, will you put the question as required by our rules.

PRESIDENT ROCK:

All right. The question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. A majority of the Senators elected

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concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of April 13, 1989, I will read the salaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be the Director of the Department on Aging for a term expiring January 21, 1991, Janet S. Otwell of Evanston.

To be the Director of the Department of Agriculture for a term expiring January 21, 1991, Larry A. Werries of Springfield.

To be Assistant Director of the Department of Agriculture for a term expiring January 21, 1991, J. Michael Baise of Jacksonville.

To be the Director of the Department of Alcoholism and Substance Abuse for a term expiring January 21, 1991, William T. Atkins of Edwardsville.

To be the Commissioner of Banks and Trust Companies for a term expiring February 1, 1993, William C. Harris of Pontiac.

To be the First Deputy Commissioner of the Banks and Trust Companies for a term expiring February 1, 1993, John A. Treston of Springfield.

To be the Deputy Commissioner of the Banks and Trust Companies for a term expiring February 1, 1993, Scott A. Miller of Belleville.

To be the Director of the Department of Central Management Services for a term expiring January 21, 1991, Michael A. Tristano of Springfield.

To be the Assistant Directors of the Department of Central Management for Services -- for terms expiring January 21, 1991, Rose Mary Bombela of Chicago, and Daniel R. Long of Springfield.

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To be the Director of the Department of Children and Family Services for a term expiring January 21, 1991, Gordon Johnson of Springfield.

To be the Director of the Department of Commerce and Community Affairs for a term expiring January 21, 1991, Jay R. Hedges of Springfield.

To be the Assistant Director of the Department of Commerce and Community Affairs for a term expiring January 21, 1991, Steven D. McClure of Springfield.

To be the Director of the Department of Conservation for a term expiring January 21, 1991, Mark Frech of Jacksonville.

To be Assistant Director of the Department of Conservation for a term expiring January 21, 1991, Kathleen D. Selcke of Springfield -- Katherine D. Selcke of Springfield.

To be the Director of the Department of Corrections for a term expiring January 21, 1991, Michael P. Lane of Springfield.

To be the Director of the Illinois Emergency Services and Disaster Agency for a term expiring January 21, 1991, Thomas W. Ortciger of Flossmoor.

To be the Director of the Department of Employment Security for a term expiring January 21, 1991, Sally A. Jackson of Chicago.

To be the Director of the Department of Financial Institutions for a term expiring January 21, 1991, Michael E. Fryzel of South Holland.

To be the Assistant Director of the Department of Financial Institutions for a term expiring January 21, 1991, Joanne Mitchell of Chicago.

To be the Director of the Department of Human Rights for a term expiring January 21, 1991, Joyce E. Tucker of Chicago.

To be the Director of the Department of Insurance for a term expiring January 21, 1991, John E. Washburn of Chatham.

To be the Assistant Director of the Department of Insurance

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for a term expiring January 21, 1991, Richard W. Carlson of Springfield.

To be the Director of the Department of Labor for a term expiring January 21, 1991, Gwen R. Martin of Arlington Heights.

To be the Assistant Director of the Department of Labor for a term expiring January 21, 1991, Jerry D. Banning of Springfield.

To be the Chief Factory Inspector in the Department of Labor for a term expiring January 21, 1991, Robert L. Nicol of Edinburg.

To be the Superintendent of Safety, Inspection and Education in the Department of Labor for a term expiring January 21, 1991, Gary Robert Smith of Naperville.

To be the Director of the Department of the Lottery for a term expiring January 21, 1991, Sharon Sharp of Chicago.

To be the Director of the Department of Mental Health and Developmental Disabilities for a term expiring January 21, 1991, Ann M. Kiley of Chicago.

To be the Director of the Department of Mines and Minerals for a term expiring January 21, 1991, Richard Ray Shockley of Benton.

To be the Assistant Director of Mines and Minerals, the Surface Division, for a term expiring January 21, 1991, John Vancil of DuQuoin.

To be the Director of the Department of Energy and Natural Resources for a term expiring January 21, 1991, Karen A. Witter of Springfield.

To be the Director of the Department of Nuclear Safety for a term expiring January 21, 1991, Terry A. Lash of Springfield.

To be the Assistant Director of the Department of Public Aid for a term expiring January 21, 1991, Kathleen Breidert Kustra of Park Ridge.

To be the Director of the Department of Public Health for a term expiring January 21, 1991, Bernard J. Turnock of Chicago.

To be the Assistant Director of the Department of Public

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Health for a term expiring January 21, 1991, Christopher G. Atchison of Chatham.

To be Director of the Department of Professional Regulation for a term expiring January 21, 1991, Stephen F. Selcke of Springfield.

To be the Director of the Department of Rehabilitation Services for a term expiring January 21, 1991, Philip C. Bradley of Springfield.

To be the Director of the Department of Revenue for a term expiring January 21, 1991, Roger D. Sweet of Springfield.

To be the Secretary of Transportation for a term expiring January 21, 1991, Gregory W. Baise of Springfield.

To be the Assistant Secretary of the Department of Transportation for a term expiring January 21, 1991, Susan Leonis of Chicago.

To be the Director of the Department of Veterans Affairs for a term expiring January 21, 1991, John W. Johnston of Springfield.

To be members of the Prison Review Board for a term expiring January 16, 1995, Herbert D. Brown of Rockford; Joseph T. Dakin of Springfield; Corrine C. Franklin of Jerseyville; Joseph J. Longo of LaGrange; and Anne R. Taylor of Champaign.

To be members of the Court of Claims for a term expiring January 16, 1995, Leo F. Poch of Chicago, and Kirk W. Dillard of Hinsdale.

To be a member of the International Port District Board for a term expiring June 1, 1992, Paul J. Randolph of Chicago.

To be the Chairman of the Regional Transportation Authority for a term expiring July 1, 1989, Gayle M. Franzen of Wheaton.

To be a member of the Liquor Control Commission for a term expiring February 1, 1994, Donald Heim, Sr. of Bensenville.

To be a member of the State Police Merit Board for a term expiring March 21, 1994, Richard T. Mitchell of Jacksonville.

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Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on one roll call, unless some Senator has objection to a specific appointment.

PRESIDENT ROCK:

All right. You've heard the Gentleman's request. Is leave granted? Leave is granted. Is there any discussion? If not, the question is, shall the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Mr. President, with respect to the Governor's Message of April 13, 1989, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To be members of the Capital Development Board for a term expiring January 21, 1991, Chandra K. Jha of Chicago. And to continue:

To be members of the Job Training Coordinating Council for a term expiring January 1, 1990, Joseph R. Angleton of Pinckneyville; Glenda K. Arnett of Godfrey; Edward L. Breen of Joliet; Wesley Dale Broadway of Metropolis; Shirley R. -- Brussell of Chicago; Kristine W. Coryell of Flossmoor; Barbara Gordon of Zion; Robert G. Gibson of Chicago; John B. Hudson of Springfield; Wesley Isaacson of Chicago; Sally L. McGill of Pekin; Joseph P. Monaghan of Palatine; Ronald Carl Morehead of Normal; Charles Porter of Chicago; Pamela B. Schwartz of Olney; Robert T.

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Simpson, Jr. of Harvey; Jan Staggs of Springfield; and Arturo Vazquez of Chicago.

To be members of the Job Training Coordinating Council for terms expiring January 1, 1991, Bashir Ali of Peoria; Maddi Elga Amill of Chicago; Robert M. Beckwith of Lombard; Samuel C. Bernstein of Chicago; Renee L. Brooks of Springfield; Bonnie S. Heraty of Villa Park; Mary Virginia Hartman of Mounds; Barbara A. File of Anna; June T. Connor of Beardstown; David Royce Carter of Fairfield; Anne Ladky of Chicago; Robert J. Marcusse of Peoria; Janet Payne of Westville; Mervyn C. Pilotte of Waukegan; Frank Rausa of Sterling; Regner E. Suarez of Chicago; Cleveland Walker of Chicago; Patricia Wannemacher of Bloomington.

To be a member of the Southwest Regional Port District Board for a term expiring June 30, 1990, James E. Barkley <sic> (Barker) of Lovejoy.

To be a member of the Illinois Community College Board for a term expiring June 30, 1989, Harry L. Crisp II of Marion.

To be member -- to be a member of the Illinois Community College Board for a term expiring June 30, 1991, Donald D. Zeglis of Momence.

To be a member of the Illinois Export Development Authority for a term expiring January 21, 1991, Sheldon Gray of Winnetka.

To be a member of the Illinois Housing Development Authority for a term expiring January 11, 1993, John E. Green of Fox River Grove.

To be a member of the Southwest Illinois Development Authority for a term expiring January 20, 1992, Thomas R. Hewlett of Granite City.

To be a member of the Bi-State Development Agency for a term expiring January 18, 1993, F.G. McGraw of East St. Louis.

To be a member of the Rehabilitation Services Advisory Council for a term expiring January 8, 1990, Jerry E. Strom of Arlington

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Heights.

To be a member of the Carnival Amusement Safety Board for a term expiring January 17, 1992, Lee Sullivan of Jacksonville.

To be a member of the Guardianship and Advocacy Commission for a term expiring June 30, 1990, Pat Taylor of Northbrook.

To be the Public Administrator and Guardian of Stephenson County for a term expiring December 4, 1989, George A. Koehler of Freeport.

To be the Public Administrator and Guardian of Clay County for a term expiring December 4, 1989, Albert L. Van Dyke of Louisville.

To be members of the -- of the Employment Security's Advisory Board for terms expiring January 21, 1991, J. Thomas Johnson of Chicago; Robert G. Gibson of Chicago; Wesley Isaacson of Chicago; David F. Vite of Woodstock; Roger Roberson of Champaign; Lester W. Brann, Jr. of Hinsdale; Arthur R. Gottschalk of Flossmoor.

To be members of the Board of the Illinois State Museum for terms expiring January 21, 1991, Sol S. Weiner of Evanston; James Ballowe of Oak Park; George M. Irwin of Quincy; Rosalie Clark of Chicago; Robert H. Waddell of Illiopolis; Jane R. O'Connor of Chicago; Donald F. Hoffmeister of Champaign; James A. Brown of Evanston.

To be a member of the Board of Natural Resources and Conservation for a term expiring January 21, 1991, Robert H. Benton of Jacksonville.

To be a member of the Board of Agricultural Advisory -- Advisors for a term expiring January 21, 1991, Paul A. Gebhart of Edinburg.

To be a member of the Waukegan Port District Board for a term expiring May 31, 1993, Jerrold H. Nixon of Gurnee.

And with that, Mr. President, having read the unsalaried appointments, I now seek leave to consider these appointments on

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one roll call, unless some Senator has objection to a specific appointment.

PRESIDENT ROCK:

You've heard the Gentleman's request. Is leave granted? Leave is granted. There's no discussion. The question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Mr. President, I move that the Senate arise from Executive Session.

PRESIDENT ROCK:

You heard the Gentleman's motion that the Senate arise from Executive Session. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Senate does now arise. All right. Ladies and Gentlemen, if I can have your attention. We will begin on the Order of Secretary's Desk, Concurrence, on Page 8. We have some two hundred and thirty plus concurrences. The Secretary has also passed out a Supplemental Calendar. Supplemental No. 1, which represents the entire list of messages received thus far from the House. I'd ask the Members to take a look. They are House Bills, and the question will be whether or not to recede from Senate Amendments or if not to recede, to request a conference committee. So I'd ask the Members to take a look at that. We'll hopefully get to that by the end of the day. In the meantime, we will start right at the beginning. I'd ask the Members to stay with us. Legislative Information -- printouts have been distributed, so that everybody should have a

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copy of the House Amendments in front of them. Senator Etheredge, for what purpose do you arise, sir?

SENATOR ETHEREDGE:

On a point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point.

SENATOR ETHEREDGE:

Mr. President, a great -- most of us had the opportunity to go home over the weekend and relax just a little bit, although there were several of us that had to stay behind here and work. But on one -- for one of our Members, while he was home, he aged greatly. And I don't know how many of you have noticed Senator John Maitland, our friend and colleague. Have you noticed how much older he looks today? This is now Grandpa Maitland.

PRESIDENT ROCK:

Congratulations, John. Senator Maitland, in your own defense.

SENATOR MAITLAND:

Thank you, Mr. President. The parents and the grandparents of Amanda Lynn thank you very much.

PRESIDENT ROCK:

Senator Brookins, for what purpose do you arise, sir?

SENATOR BROOKINS:

Thank you, Mr. President. I would like to inform you and the Senate that Senator Earlean Collins has went back to her hotel with a touch of the flu.

PRESIDENT ROCK:

All right. The record will so reflect. All right. Ladies and Gentlemen, we'll start at the beginning. I ask the Members to please be ready, indicate whether you wish to concur or non-concur in House Amendments to your Senate Bills. WCIA-TV, Channel 3, has requested permission to videotape. Without objection, leave is granted. Senate Bill 8. Senator Marovitz. Senate Bill 10.

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Senator Welch. On the Order of Secretary's Desk, Concurrence, is Senate Bill 10, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 10.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. When this bill left the Senate, the bill prohibited issuing or renewing of certain licenses to people who default on their guaranteed student loans. The idea was to pass a bill that allowed for reciprocal enforcement of that, so that other states could withhold your license to practice a profession if you didn't pay a loan in the original state. An amendment was added in the House to strengthen the bill, and what the amendment does is say that a student may attend and qualify for student assistance, except for those students who are incarcerated. The House, in investigating this bill, found that over five hundred thousand dollars a year went to individuals who were in jail, for student loans and the amendment would specifically include academic programs for incarcerated students, since it was felt it would be very difficult for somebody in jail to repay a student loan. I would move for adoption of the amendment.

PRESIDENT ROCK:

(Machine cutoff) Any discussion? Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 10. This is final action, folks. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 10, and the bill, having received

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the required constitutional majority, is declared passed. Senate Bill 38. Senator Welch. Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 7 to Senate Bill 38.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'm moving to concur on Amendment No. 7 from the House. This bill left here, there was some dispute over whether we're going to have a program for Building Energy Cost Reduction for governmental buildings. After passing the House -- passing the Senate and going to the House, the staff met with Dr. Mandeville - he has signed off on this - and what the amendment does is basically enact the agreement that was entered into between all the parties involved. The agreement eliminates the increase in General Obligation Bonds, but permits the use of those GO Bonds for safe energy cost reduction capital projects. It adds major safe energy agencies to the State interagency committee charged to reduce building energy costs, and requires all State agencies to include energy cost reduction projects in annual capital -- capital plans submitted to the Bureau of the Budget. It's felt that this bill will save over one hundred million dollars a year to the State of Illinois for our own buildings that we're currently spending. I would ask for a favorable vote on the Motion to Concur in House Amendment No. 7.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 7 to Senate Bill 38. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there were 58 Ayes, no Nays, none voting Present. The Senate does concur in

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House Amendment No. 7 to Senate Bill 38, and the bill, having received the required constitutional majority, is declared passed. On the Order of Secretary's Desk, Concurrence, Senate Bill 52, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 to Senate Bill 52.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I move to concur in House Amendment No. 1. It changes the word "wildlife" to the word "waterfowl," and says from October 1st till the end of the waterfowl season, this is a worked-out compromise between the coalition of the sportsmen, the Department of Conservation and all the players involved.

PRESIDENT ROCK:

All right. Senator Davidson has moved concurrence. Discussion? Senator -- If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 52. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 52, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 61. Senator Lechowicz. Senate Bill 64. Senator Demuzio. On the Order of Secretary's Desk, Concurrence, is Senate Bill 64, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 3 and 5 to Senate Bill 64.

PRESIDENT ROCK:

Senator Demuzio.

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SENATOR DEMUZIO:

Thank you, Mr. President. This was a bill that was narrowly drafted to take care of a problem in the Jacksonville community. Apparently there were some additional discussions that took place in the House. And House Amendment 1 even tightened it up, I am told, even more. It creates a provision stating that the maximum setback zone to a -- may be established to a distance of twenty-five feet -- twenty-five hundred feet, pardon me, from the wellhead for a community water supply. Excuse me. And again, Amendment No. -- House Amendment No. 1 helped to tighten that provision. House Amendment No. 3 attached House Bill 2372 that passed both Houses, which required evidence of financial responsibility for self-insurance to specify procedures for compliance of payment with respect to the underground storage tax fund. And those are the two amendments that were added. There's a third one? And House Amendment 5 also restricted the right to establish a maximum setback zone at twenty-five hundred feet from the wellhead. That also dealt with the situation in -- in -- in Jacksonville.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendments 1, 3 and 5 to Senate Bill 64. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 2 Nays, 2 voting Present. Senate does concur in House Amendments 1, 3 and 5 to Senate Bill 64. And the bill, having received the required constitutional majority, is declared passed. Senator O'Daniel, for what purpose do you arise, sir?

SENATOR O'DANIEL:

Thank you, Mr. President. I rise on a point of personal privilege.

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PRESIDENT ROCK:

State your point, please.

SENATOR O'DANIEL:

With me, right back of -- just directly behind me here, is the Honorable Clyde Lee. Served twenty-two years in the House and four years in the Senate, from Mt. Vernon. He's kind of my senior advisor, and it's really an honor for me to recognize him here today.

PRESIDENT ROCK:

Mr. Lee, welcome back to Springfield, Sir. Senate Bill 77. Senator Dudycz. Madam Secretary, please, Senate Bill 77.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 77.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President -- Senate Bill 77 authorizes the Secretary of State to issue special license plates to the surviving spouse or parent of one who was awarded the Gold Star by the United States Department of Defense. According to the Illinois Department of Veterans Affairs, it is estimated that there will be about eight thousand three hundred recipients possible in Illinois. House Amendment No. 1 provides that the applicant shall be charged a fifteen-dollar fee to cover the expenses for the original issuance of the plates, and a two-dollar fee for each renewal, and I move -- the Senate adopt, or concur with House Amendment No. 1 to Senate Bill 77.

PRESIDENT ROCK:

All right. Senator Dudycz has moved concurrence in the House Amendment. Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 77. Those in favor will vote Aye. Opposed, vote Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 77, and the bill, having received the required constitutional majority, is declared passed. WAND-TV also -- News has requested permission to shoot some film from the gallery. Without objection, leave is granted. Senate Bill 97. Senator Jones. 104. Senator Hawkinson. On the Order of Secretary's Desk, Concurrence, Senate Bill 104, Madam Secretary.
SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 104.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill, as it left the Senate, provided that school districts could construct buildings without referendum when no tax money was used. The House tightened it up even further. There had been questions asked whether the operating cost or the building and operations fund could be increased without referendum. The House totally provided that there could be no increase in any levy without a frontdoor referendum, and I would move to concur in House Amendment No. 1 to Senate Bill 104.

PRESIDENT ROCK:

All right. You heard the Motion for Concurrence. Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 104. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 104, and the bill, having received the

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required constitutional majority, is declared passed. 116.
Senator del Valle. Madam Secretary, please. 116.

SECRETARY HAWKER:

House Amendments 1, 2, 3 and 4 to Senate Bill 116.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to non-concur with House
Amendment No. 4.

PRESIDENT ROCK:

Do you wish to concur with 1, 2 and 3 or just to non-concur in
everything?

SENATOR DEL VALLE:

Non-concur.

PRESIDENT ROCK:

Okay. Senator del Valle has moved to non-concur with House
Amendments 1, 2, 3 and 4 to Senate Bill 116. Discussion? Senator
Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I'd like to ask the sponsor -- the
reason for this. We thought 1, 2, 3 and 4 were all agreed
amendments, and by leaving 4 off, why, I just wondered about
that, Senator del Valle.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Well, actually, Senator Dunn, No. 4 wipes out all the others,
and that's the one that I moved to non-concur on.

PRESIDENT ROCK:

All right. Senator del Valle has moved to non-concur in House
Amendments 1, 2, 3 and 4. Discussion? If not, all in favor,
indicate by saying Aye. All opposed. The Ayes have it. The

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motion carries, and the Secretary shall so inform the House. 125. Senator Hawkinson. On the Order of Secretary's Desk, Concurrence. Top of Page 9, Ladies and Gentlemen, is Senate Bill 125, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 125.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I would move to concur in House Amendment No. 1, which is a technical amendment, but to non-concur in House Amendment No. 2, which provided - unrelated to the purpose of the original bill, it was added by the House - which delayed for two years the effective date of the amendments we passed last year to the Juvenile Court Act, dealing with juvenile jail detention facilities, and I would move to concur in House Amendment No. 1, the technical one, and non-concur in House Amendment No. 2.

PRESIDENT ROCK:

All right. Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 125. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, No Nays, 1 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 125. Senator Hawkinson now moves to non-concur in House Amendments -- House Amendment No. 2 to Senate Bill 125. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 126. Senator Hawkinson. Madam Secretary, on the Order of Secretary's Desk, Concurrence, is Senate Bill 126.

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SECRETARY HAWKER:

House Amendments 1 and 4 to Senate Bill 126.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 126, in part, dealt with presentence reports for misdemeanors, and it gave judges in misdemeanor cases the power to order less than a full presentence report. We made some exceptions to that here in the Senate, and the House further added the exception that all presentence reports should contain the defendant's history of delinquency or criminality, and I concur in -- in that change, and would move to concur, therefore, in House Amendment No. 1 to Senate Bill 126.

PRESIDENT ROCK:

Amendment No. 4. I'm sorry.

SENATOR HAWKINSON:

Amendment No. 4 provides that these presentence reports shall be open to inspection to any probation department where there's courtesy probation - in other words, if there's an assignment of probation to the officers of another department. And I would also move to concur in House Amendment No. 4.

PRESIDENT ROCK:

All right. Senator Hawkinson is moving concurrence with House Amendments 1 and 4. Is there any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 4 to Senate Bill 126. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 4 to Senate Bill 126, and the bill, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, for your

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information, we will be holding the appropriation bills till last. There's been a request by some of the appropriations committee and staff that we hold them until last. They're still working on some of the stuff, so we'll hold them till last. Senate Bill 127. Senator Smith. On the Order of Secretary's Desk, Concurrence, is Senate Bill 127, Madam Secretary.

SECRETARY HAWKER

House Amendment No. 1 to Senate Bill 127.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. Senate Bill 127, I wish to non-concur in Amendment No. 1.

PRESIDENT ROCK:

All right. Senator Smith has moved to non-concur in House Amendment No. 1 to Senate Bill 127. Discussion? If not, all in favor indicate by saying...I'm sorry...Senator Davidson.

SENATOR DAVIDSON:

Question to the...to the sponsor on the non-concurrence. Senator Smith, my understanding that this amendment was supposed to have the language in which we adopted on the House Committee over here, and the five years' extension. Is there something different and you're trying to use this bill for another vehicle for something else?

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you. It is. It's on Bill No. 38, and I had not been conferred about in to, to what that is, so I want to find out about it, 'cause 127 is being placed in as just as an amendment.

PRESIDENT ROCK:

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Senator Davidson.

SENATOR DAVIDSON:

Well, Senator Smith, you know we worked out this agreement and I don't want to see this bill coming back in...out of conference committee report, something different than what we agreed on. 'Cause the situation was only to add the language that we thought needed to be put in this to satisfy the U. S. Supreme Court or the Federal Congress or something in the five-year extension. And with that understanding, I have no problem, but if we see this without doing more than that, then I think you're going to have difficulty with this bill.

PRESIDENT ROCK:

All right. Senator Smith has moved to non-concur with House Amendment No. 1 to Senate Bill 127. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 129. Senator Collins. 131. Senator Geo-Karis. On the Order of Secretary's Desk, Concurrence, is Senate Bill 131, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 131.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I move to concur with House -- House Amendment No. 1. It deletes the title and amends the Code of Criminal Procedure. Well, what they did was to simply clarify it all the more, and they didn't change it substantially.

PRESIDENT ROCK:

All right. Senator Geo-Karis has moved concurrence in House Amendment. Discussion? If not, the question is, shall the Senate

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concur with House Amendment No. 1 to Senate Bill 131. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 131, and the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 134. Senator D'Arco. 134, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 134.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. House Amendment No. 2 deletes the moral requirement in the bill that we agreed in committee would be deleted, and I would ask that we concur in that House Amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendment 1 to Senate Bill 131 <sic>. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? I'm sorry, with House Amendment 2. Take the record. On that question, the Ayes are 51, the Nays are 5, 2 voting Present. The Senate does concur with House Amendment 2 to Senate Bill 134, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 141. Senator Welch. 141, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 141.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

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SENATOR WELCH:

Thank you, Mr. President. I'd like to concur in House Amendments 1 and 2. House Amendment No. 1 deleted the language regarding the Department of Employment Security's General Aptitude Test Battery, basically because the Department has agreed to offer the test more than every five years, so we are deleting that language from the bill. House Amendment No. 2 was negotiated between the House and Senate sponsors, and also one of the industries that was objecting to the bill. It now permits the use out-of-state -- it allows out-of-state disposal sites to -- wait a minute. Let me start over. What it does is takes on-site facilities and says they are subject to employing Illinois workers. Those facilities that are not on-site will be able to continue using the employees that they currently have. That was the main objection of the industry complaining. I would move to concur in both House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 141. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 141, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 146, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 146.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is the bill that I introduced

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which would allow a county to continue its recorder's office if, after the next census, it slipped below the sixty-thousand dollar <sic> population figure. As the bill left the Senate, we discovered that there were a couple of other counties that this might apply to, in addition to my home county of Knox County. So we agreed to amend it, and did amend it in the House, to provide that the recorder's office can be continued if the county board adopts a resolution to continue the office, and I would ask for the concurrence in House Amendment No. 1 to Senate Bill 146.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 146. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 3, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 146, and the bill, having received the required constitutional majority, is declared passed. 151. Senator Dunn. Madam Secretary, 151.

SECRETARY HAWKER:

House Amendments 10, 11 and 12 to Senate Bill 151.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. I move that we concur with -- House Amendments 10, 11 and 12. House -- when this bill left here, it was -- created civic authorities for Randolph County, Carbondale, and the Madison Civic Center. House Amendment No. 10 added about six others. Added Riverside, Ottawa, Illinois Valley Civic Center Authority, and then it changed the language on the Madison Civic Center to have a frontdoor referendum. House Amendment No. 11 changed the name of the

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Danville Civic Center to the Vermilion County Civic Center. House Amendment 12 will give the grant of power of condemnation to a civic center in Knox County. It was created by board resolution, and didn't have such power. So I move we concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate concur with House Amendments 10, 11 and 12 to Senate Bill 151. Those in favor will vote -- beg your pardon. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I really don't have too much problem with what Ralph is asking, but I did want to point out that -- to the Body, that on House Amendment No. 12, that there is a power of eminent domain is being given to a couple of these civic centers, and I think we should be very much aware of that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Ralph Dunn may close.

SENATOR R. DUNN:

Thank you. Knox County got the power of eminent domain or condemnation, the same as the other civic center authorities had, and I may -- I may have left off on that Amendment No. 12. It also created the Waukegan and Pontiac Civic Center. There's eight civic centers included in here. I move the concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur with House Amendments 10, 11 and 12 to Senate Bill 151. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 12, none voting Present. The Senate does concur in House Amendments 10, 11

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and 12 to Senate Bill 151, and the bill, having received the required constitutional majority, is declared passed. Page 10. 176. On the Order -- top -- Page 10, Secretary's Desk, Concurrence.

Senate Bill 176, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1-7-6.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This -- the original bill -- the Senate Bill was one that would make it an offense to display the flag on the floor or the ground. And House Amendment No. 1 added the word, "intentionally" to that. I move to concur with the House Amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 176. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 176, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 182, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 182.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to concur with House Amendment No. 2. What the

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House Amendment does is to enable a special recreation association to enter into a lease agreement with a park district. I move for concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment No. 2 to Senate Bill 182. Those -- I'm sorry. Yeah, House Amendment No. 2 to Senate Bill 182. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to House -- to Senate Bill 182, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 187, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2 and 3 to Senate Bill 187.

PRESIDING OFFICER: (SENATOR DEMUZIO)

WLTV is -- WLTE-TV has requested permission to tape. Is leave granted? Hearing no objections, leave is granted. Senator Maitland.

SENATOR MAITLAND:

Thanks very much, Mr. President and Members of the Senate. I move that the Senate do concur in House Amendments 1, 2 and 3 to Senate Bill 187. Amendment No. 1 is clarifying language relative to the transfer of tenure to annexing districts. It takes care of a the problem relative to the supplementary payments that were in the bill, and Amendment No. 2 deals with counties of -- of 700 hundred thousand to two million, and it indicates they may file their certificate of tax levy by the second Tuesday of February. That date is now the second Tuesday in December. And Amendment No. 3, it's my further understanding that it is more clarifying language with respect to the transfer of tenure. When this bill

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left here some weeks ago, there was some concern about the transfer of tenure, and that has been resolved in the House, and I therefore, Mr. President, renew my motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. To the motion: I had hoped that when Senate Bill 187 left the Senate, and if, in fact, the House of Representatives added any amendments, they would address themselves to the mandate of consolidation for downstate school districts. I understand that this bill does not affect Cook County, but I'm opposed to that provision where it forces consolidation of some specific school districts in downstate Illinois. Those of you in the Senate who have opposed consolidation, I would suggest you reread at least the Senate bill. I have no objection to the House Amendments, but the Senate bill, again, has to do with consolidation, and in instances, would indeed force consolidation. I'm opposed to that, and unfortunately, will be opposed to the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. That's one good way to get my attention is to make some comment about forced consolidation. I'd like to have the sponsor respond to that, and this is a -- in a question to the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The sponsor indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Well, Senator Watson, only to tell you that this does not force consolidation at all. Not -- it just simply does not force

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consolidation. This is dissolutionment of -- of a school district where it becomes necessary where, for whatever reason, that school district cannot continue to exist. Has nothing whatsoever to do with forced consolidation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Zito, for what purpose do you arise?

SENATOR ZITO:

Just a clarifying point -- Mr. President. I appreciate the recognition. On Page 2 of the bill, lines 30 through 34 specifically relate to the regional superintendent having supervision over the school district that is dissolved. Shall have all power -- all power necessary to annex the territory of the dissolved district, as provided in this Section, including the power to attach the territory, et cetera, et cetera. Page 2, lines 30 through 34, on Page 2, and it continues on Page 3. That's very clear to me, Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. -- Senator Maitland.

SENATOR MAITLAND:

Well, Senator Zito, that's after the school district has decided that they want to dissolve the school district. That's local control.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I agree with the explanation given by Senator Maitland. I think, Senator Zito, the language that you point out to is what we would call perfunctory language, so that once that vote for dissolution is taken, the bill, the law will -- says who's to supervise the dissolution. When this bill left us, a number of us had some concerns regarding the rights of teachers.

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That has been addressed in the House Amendment. Specifically, Amendment NO. 3, so I'm -- I stand in support of the bill, because I really do not think it by any means forces a consolidation, and it is much better as to the rights of the teachers than the way it left here. I support the motion to concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I guess my question is, it is obvious the school district has the power to dissolve. But I've got a couple of school districts that would dissolve in a minute if they could forcibly annex themselves onto a neighboring school district. I guess my question is, does the district that this -- former school district once belonged to - that area - is that forced into another school district, and the receiving school district has to take them whether they like it or not?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Schaffer, I -- a direct answer to your question would be yes. But -- the regional superintendent, as already been suggested, would be -- would work with those receiving districts. They would deal with the assessed evaluation with all those components necessary to -- to effectuate the -- annexation, and it would be, in my judgment an agreement worked out between the -- the multiple school districts involved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland, you may close.

SENATOR MAITLAND:

Well, thank you very much, Mr. President. I'm sorry about the -- about the confusion on this, and Senator Zito, I hope we -- we've answered your questions, because the only concern that there

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was with respect to this bill - we already have dissolutionment, anyway - and the only concern was the protection of the teachers, which I agreed needed to be addressed, and we have now have dealt with that issue, and therefore, Mr. President, I would renew my motion.

(Machine cutoff)

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur with House Amendments 1, 2 and 3 to Senate Bill 187. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 13, 1 voting Present. The Senate does concur with House Amendments 1, 2 and 3 to Senate Bill 187, and the bill, having received the required constitutional majority, is declared passed. 228. On the Order of Concurrence, Senate Bill 228, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 228.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce. Jerome Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I would move to concur with House Amendment No. 1. The bill amends the Meat and Poultry Inspection Act, and the amendment applies the Act to certain animals covered by the Act which are normally nondomestic, but are now being raised domestically for processing and sale. It's like antelope and deer and so forth. Move for the adoption -- or move for concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate adopt - concur, I beg your pardon - in House Amendment 1 to Senate Bill 228. Those in favor will vote Aye. Those opposed, Nay. The voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 228, and the bill, having received the required constitutional majority, is declared passed. Let's see, 234. Senator Mahar. 238. Senator Barkhausen. 240. Senator Watson. Concurrence, middle of Page 10, Senate Bill 240, Madam Secretary.

SECRETARY HAWKER:

House Amendments 2 and 3 to Senate Bill 240.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I move to concur with House Amendments 2 and 3 to Senate Bill 240. House Amendment No. 2 simply made a technical change. House Amendment No. 3, however, said that the seven additional Enterprise Zones, which were the original bill - those Enterprise Zones authorized by this Amendatory Act of '89 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to the effective date of this Amendatory Act. In other words, they can't -- an Enterprise Zone can't be designated next to another one. The original bill increased the number of Enterprise Zones from sixty-seven to seventy-four, and I'd move for its concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendments 2 and 3 to Senate Bill 240. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 4, none voting Present. The Senate does concur with

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House Amendments 2 and 3 to Senate Bill 240, and the bill, having received the required constitutional majority, is declared passed.

243. Senator Daley. 247. On the Order of Concurrence, Senate Bill 247, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 247.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President. House Amendment No. 2 to Senate Bill 247 transfers the proceeds from the Kaskaskia School Fund to the Kaskaskia Island Drainage and Levee District. I concur with this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate concur with House Amendment 2 to Senate Bill 247. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur with House Amendment 2 to Senate Bill 247, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 248, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 248.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Senate Bill 248 dealt with stormwater management. The House of Representatives did, in fact, put an amendment on. There were some questions raised by homebuilders, Realtors, and municipalities. And they have come to

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an agreement on this amendment. The amendment would, in fact, grandfather existing construction permits, applications from the flow limit. I would move for concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House -- I'm sorry. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just had the City Manager and Mayor of Elmhurst in my office this morning about this bill, and they certainly aren't agreed to it. I don't know how you measure the speed of water, or who's going to go out there and measure the speed of water. They're convinced that this could prevent building permits from serving municipal governments that border along Cook County, so I would suggest we ought to vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I happen to have Elmhurst, too. Senator Philip and I share Elmhurst. A few years ago, in fact about fifteen years ago, there was a dam built at Busse Woods. After the State and the federal government went through all the trouble of spending approximately fourteen million dollars to buy the land and build the dam, unfortunately we made the great error of handing it to the County of Cook and their forest preserve, on their promise that they would build floodgates in -- in conjunction with that dam. Well, all they've managed to do by leaving the dam in the configuration that it is without the floodgates, is flood my district. Now -- now they want to measure that water as it flows over that dam. Well, until you get that darn floodgates up, and until they continue the project and do what they promised to do years ago, as far as I'm concerned, we

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ought to vote No. You want to now protect your county from Lake. We've been trying to protect our county from Cook for a long time. You know, what's good for the goose is good for the gander. Do both projects at the same time, and we might be able to get an agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Zito may close.

SENATOR ZITO:

Thank you, Mr. President and Members. Senator Philip and Senator Fawell's opposition does not surprise me at all. They stood in opposition on Senate Bill 2-4-8 when it was called for 3rd Reading in this Chamber, and it doesn't surprise me now that they would stand here, even though an amendment was worked out in the House that would meet the concerns, I assure you, raised by homebuilders, Realtors, and yes, even municipalities. DuPage County's opposition is they don't necessary want their water regulated, when Cook County and other regions of the northeastern Illinois area flood. Well, that's simply too bad. We need to address this concern of water running haphazardly, and if we can address ourselves to the flow of the water, hopefully, all of Northern Illinois will be able to remain somewhat consonant with these floodwaters. Their opposition hasn't changed. This Chamber passed this bill. I would ask for a concurrence of this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip, the Gentleman had closed. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Well, just -- just to straighten a little minor fact out. A little minor detail. There is no water that flows from DuPage County into Cook. It flows from Cook into DuPage, my friend. And there isn't a municipality in the county that wants this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Well. Senator Zito, you may close again, if you like.
Senator Zito.

SENATOR ZITO:

Thank you for telling us about that, Senator Philip. I would ask everybody, at least on this side of the aisle, and anybody that's interested in -- in controlling -- controlling floodwaters - whether they flow into a community, out of a community - help us control them. Please support the Motion to Concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, does the Senate concur with House Amendment No. 1 to Senate Bill 248. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 24. The Senate does concur with House Amendment 1 to Senate Bill 248, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 253. Senator -- Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

I think we should maybe get a verification of that and find out who's here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay. Senator Fawell has requested a verification of the -- those Members who voted in the affirmative. Madam Secretary, would you please read those Members who voted in the affirmative?

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Daley, D'Arco, del Valle, Dudycz, Tom Dunn, Holmberg, Jacobs, Jones, J. E. Joyce, J. J. Joyce, Keats, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Raica, Rea, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell, do you question the presence of any person who voted in the affirmative?

SENATOR FAWELL:

Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones on the Floor? Senator Jones on the Floor? Strike his name.

SENATOR FAWELL:

Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Keats on the Floor? Senator Keats? He was just on my left. Senator Keats on the Floor? Strike his name.

SENATOR FAWELL:

That's enough.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito, for what purpose do you arise?

SENATOR ZITO:

I don't know what the proper request is, but, can I put this on Postponed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

We have in the -- in procedure in the past. I don't know what the rules are, but yes, indeed. The sponsor requests Postponed Consideration...

SENATOR ZITO:

And I would request that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Postponed Consideration. 253. Senator Raica. Okay. Madam Secretary, Senate Bill 253.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 253.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to concur with House Amendment No. 1 with respect to the physical examination of marriage license applicants. Provides that the examining physician's certificate shall read: "I certify that the approved serological test and the physical examination of ... did not indicate the presence of transmissible syphilis." This is an agreed-to amendment by the Department and the Med Society, and I move to concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator -- the question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 253. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none. The Senate does concur with House Amendment 1 to Senate Bill 253, and the bill, having received the required constitutional majority, is declared passed. 254. Senator Holmberg. Senate Bill 254, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 254.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I move that we concur with House Amendment No. 1 to Senate Bill 254. What the original bill did is set up some changes in teacher certification, and providing that the Teacher Certification Board has some additional procedures for conducting revocation of certificates. Those kinds of hearings. And what the House has added is that they eliminate the provisions exempting the Teacher Certification Board

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proceedings from the Open Meetings Act. We had put that in so that they could discuss what the problem was in getting rid of that teacher certificate and they wish to -- to eliminate that provision. And I concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

The House amendment, Senator, then exempts the teacher certification discussion before a school board. Now, by exempting them, if -- then if it's open, that teacher could be embarrassed. Could she or he, not be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Yes, that would be possible. That was the original reason for the Teacher Certification Board wishing to have that language, but...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, and Ladies and Gentlemen of the Senate, I think we're doing a disservice to the teachers when we cannot discuss their certification in a closed meeting in a school board, because there are many things that come up in a closed meeting that cannot -- should not be brought up openly. When they're brought up openly, it can hurt a teacher, and maybe something that that teacher -- doesn't deserved to be hurt about. And I would like to suggest to the sponsor that she non-concur in that amendment, and

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put in a conference committee about it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Holmberg may close.

SENATOR HOLMBERG:

Thank you, Mr. President. This bill is a carefully worked out bill with all kinds of new provisions for certification. It is basically an Agreed Bill. The Teacher Certification Board is not fighting this change by the House. I think they, too, realize that one of the things that is coming up now is -- is we occasionally get child abuse even amongst the teachers -- teaching profession. There are accusations like that, and that those things probably ought to be subject to the Open Meetings Act, and I would move that we concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion -- I mean - the question is, shall the Senate concur with House Amendment 1 to Senate Bill 254. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 254, and the bill, having received the required constitutional majority, is declared passed. TV-20 requests permission to tape. Is leave granted? Hearing no objections, leave is granted. Senate Bill 255. Senator Rock. 255, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 4 to Senate Bill 255.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you. I am moving to non-concur with House Amendment No. 4. Senate Bill 255 as it left here, dealt with the question of

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the allocation of resources toward security on the Chicago Transit Authority. The House changed the formula. We are still in the midst of discussion, so I would move to non-concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock has moved to non-concur with House Amendment 4, to Senate Bill 225 <sic>. All in favor indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 257. Senator Luft. 265. Senator Schaffer. Senate Bill 265, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 265.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Senate Bill 265 would allow township and county roads systems to abandon roads to the various subdivisions that might be appropriate. The amendment that the House put on was simply put on to protect the easement rights of the utilities, and no one has any problem with it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 265. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 265, and the bill, having received the required constitutional majority, is declared passed. 269. Senator DeAngelis. 269, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 269.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I move to concur with House Amendment No. 1 on Senate Bill 269. When 269 left here, it was designed to increase the Merit Board from 3 to 5. When it came back, it was a different bill. And that bill mainly changes the system by which we serve process. And it reverts back to the old system where it limits that service to sheriffs and deputies. The county organization, the sheriffs' association, and the judges are in support. Obviously, the private detectives are in opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... Is there discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 269. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 9, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 269, and the bill, having received the required constitutional majority, is declared passed. 283. Senator Etheredge. Page 12. 287. Senator Etheredge. 293. Senator Berman. Page 12, in the middle is Senate Bill 293, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 293.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you -- Mr. President and Ladies and Gentleman of the Senate. Senate Bill 293 with Amendment No. 1, from the House, addresses the problem that affects probably only a couple of counties in the State, and that's where there is a substantial

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delay in an automobile accident case, or other claim covered by automobile insurance, where there is underinsured motorist's coverage. Amendment No. 1 represents the agreement reached between the Department, the industry, and myself. And what it does is to protect -- maintain the exhaustion of the first policy provision, but does encourage the good faith negotiations between the underinsured carrier and its insured, where there is a claim in excess of the defendant's coverage. I want to make it very clear that it's legislative intent that good faith negotiations be carried on between the insured and his or her underinsured carrier, so that the agreement referred to in Amendment No. 1 can be reached on good faith between the company and the insured. I move the concurrence of -- of House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, our analysis says that the House Amendment allows insurance companies to -- to include a clause in their auto insurance policies that would require the insured to collect from bodily injury line before being reimbursed by the insured -- by the underinsured coverage. That's pretty much practice now. Is there language in -- in the bill that talks about the good faith negotiations that you mentioned?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes. The -- if -- if only the part that you referred to was the amendment, there would be no bill. The essence of the

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amendment is the recognition that that exhaustion of the other policy can remain, but the -- the underinsured carrier and its insured can carry on negotiations. And if they reach the agreement that the claim is -- is in excess of the defendant's policy, they can agree to settle. There are certain conditions also that the settlement must be predicated upon, that the insured has complied with all other applicable policy terms and conditions, and that the rights of subrogation are maintained.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, this sounds like a reasonable compromise to -- an attempt to settle your issue, so I'll certainly be supporting it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate concur with House Amendment 1 to Senate Bill 293. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendment No. 1. to Senate Bill 293. And the bill, having received the required constitutional majority, is declared passed. 302. Senator Netsch. Senator Netsch. 302. All right. 302, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 5 to Senate Bill 302.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 302 is the bill that dealt with the publication and dissemination of crime statistics information. What happened in the House was that the structure of it was revised somewhat with the approval of, I think, everyone

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involved, so that it is now the Illinois Criminal Justice Information Authority which, on an annual basis, is going to make -- is going to publish and make available the statistics that are already required to be collected by a variety of public agencies, both State and local. And I would mention one other fact, that the bill is going to take effect July 1, 1991. You might suggest, well, why do we need to pass it now? But they want it to be there so that they can start developing some model programs for making this system work effectively. To the best of my knowledge, everyone is in agreement with the bill in its current form. I would move that we concur in House Amendment No. 5 to Senate Bill 302.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Netsch, you said that everyone's in agreement to it. The House vote was 65 to 47. Can you tell me why that is, if everyone's in agreement with it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No. Are you sure it was on this amendment? The -- we were given different information that it passed 117 to nothing. There was an amendment that was originally offered to the bill that was somewhat controversial. That amendment is no longer on the bill. And while I don't have my LIS printouts here in front of me, I suspect that that was the one that was the subject of the closer vote. Our information is that the bill passed 117 to nothing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

I -- I don't know and I -- I don't have really any objection

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to it myself, except that ours says on Amendment No. 5 here, it says House vote 65, 47, 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I think the staff picked up the wrong vote, for which I apologize. The Motion to Recall it to 2nd Reading was 117 to nothing. And then Amendment No. 5 was adopted, apparently on a voice vote. And then the final passage was the 65 to 47. So you are in effect, correct. And I apologize for that -- the misreading the printouts. And if so, I cannot explain it, because the -- the amendment had been worked on by, I think, the Department of State Police, the Criminal Justice Authority, and so forth. And I was not aware that at least any of the parties involved had any difficulty with it. And we certainly had none in passing the bill out of here. It was on the Agreed Bill List when it passed out of the Senate initially. And all this does is just shift the -- the administering agency, if you will.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall the Senate concur with House Amendment 5 to Senate Bill 302. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur with House Amendment 5 to Senate Bill 302. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 307. Senator Rea. 307, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 307.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

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SENATOR REA:

Thank you, Mr. President. Amendment 1 to Senate Bill 307 provides for the conformity with other bills on the same subject. And a second amendment was requested by the Illinois Municipal League to merely have the county license comply with the municipal rules. If the city had a Sunday closing rule, the county would comply for the license issued to the county facility within the city. I would move for concurrence of Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 307. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 3, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 307. And the bill, having received the required constitutional majority, is declared passed. 319. Senator Keats. 319, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 319.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. The original bill was requested by the Library Association. Put the Library Association under the Competitive Bidding Act. In the past, libraries have not been subject to competitive bidding. There was a minor Senate amendment that it had been agreed in committee to set the figure at ten thousand comparable to other units. In the House an amendment was added that really doesn't have a whole lot to do with it, but it is a fairly innocuous amendment. It says that the county has the right on libraries in unincorporated areas to set

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the standards of where it should be built and things like that. I have no trouble with the amendment. I don't care about it, but I have no trouble with it, and would ask for your acceptance of it.
PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Yes. Thank you, Mr. President. Senator Keats, do you have any idea on this Amendment No. 1, why they gave the county the -- the right to have the ordinances for the unincorporated areas, rather than a township, when townships are the local government which does, in fact, have library board jurisdictions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I'm guessing, and I have a copy of the amendment in front of me. I didn't have the courtesy of the sponsor to tell me why he put it on. But it does talk about the problems of dealing with the environmental regulations in terms of placing it in for sewer, drainage, water supply - all those sort of prerequisites which do exceed the township authority. So what you really have is a -- potentially it could be a township library. Potentially. Could be a county branch. But what the questions it's actually governing are the kind of things that are larger than a municipal or a township government.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats. The question is, shall

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the Senate concur with House Amendment 1 to Senate Bill 319. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. The House -- the Senate does concur with House Amendment 1 to Senate Bill 319. And the bill, having received the required constitutional majority, is declared passed. 335. Senator del Valle. Senate Bill 335, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 3 and 5 to Senate Bill 335.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to concur with House Amendments 1, 3 and 5. House Amendment No. 1 really clarifies that the program will not be implemented unless the Illinois General Assembly appropriates funds specifically for that young parents program. House Amendment No. 3 states that governing boards shall receive certification from the State Board of Education. That all high schools in the State have offered courses permitting students to meet minimum admissions requirements, and also requires that the IBHE provide the State Superintendent on or before 9-1-89 with courses which specify -- that would satisfies the minimum admission requirement standards. And Amendment No. 5 deletes a section stating that requirements shall not be applied by the different boards if SBE does not certify. It also indicates that the State Board must certify in writing, to the universities systems, by 1992, whether or not the districts are offering the required courses.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence with House

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Amendments 1, 3 and 5. Discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

Indicates he will yield, Senator Weaver.

SENATOR WEAVER:

Senator, how many high schools now do not meet board standards, throughout the State?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Well, the State Board of Education recently conducted a survey and found that there were numerous high schools that were not equipped to offer all the required courses. In the City of Chicago, we found at least twenty that were not equipped.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

What is the timetable for them to meet, before the various colleges will admit them?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Well, what this legislation does, is that it requires them to do another review and to certify that the schools are equipped to meet these requirements. This in no way affects the implementation of the 1993 requirements. It just serves as a guide to provide information to us and to others as to what the needs of the different school districts are, in order for them to be able to be brought up to par in terms of what the IBHE 1993 requirements are.

PRESIDENT ROCK:

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Further discussion? Further Discussion? If not, the question is shall the Senate concur in House Amendments 1, 3 and 5 to Senate Bill 335. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 17 Nays, none voting Present. The Senate does concur in House Amendments 1, 3 and 5 to Senate Bill 335. And the bill, having received the required constitutional majority, is declared passed. 344. Senator Dunn. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 344.

PRESIDENT ROCK:

344. Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I move that we concur with House Amendment No. 1 to Senate Bill 344. The amendment amends -- is offered by the Department of Revenue for pull tabs and jar games to divide them up so that they expire four times a year instead of on June the 30th. And it has another part that would allow two -- two five-day licenses a year, instead of one ten-day license. I move the adoption to concur.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence with the House amendment. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator Dunn, if you would yield for a question on really the second part of the bill. I have no problem at all about the first part of the bill, which spreads out the renewal of licenses and which obviously makes sense administratively. I'm just really trying to figure out what that second part does. If -- if I read it correctly, at least for the

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kind of use of the - what's it called - pull tab and jar game that requires a permit. It considerably expands the number of times that the permit would authorize the game to be done, from one game, one day, once a year, to two games, five days, two times a year, which is a fairly considerable expansion. Am I misreading this, or can you shed some further light on it?

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you. Senator Netsch, it says the Department shall stagger -- the limited license will allow pull tab or jar games to be conducted during two five-day periods within the year the license is issued. Currently, the limited license allows games to be conducted during one ten-day period. So it makes it consistent with the Bingo Act, still ten days, but it's two five-day periods. Did you get that?

PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 344. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 10 Nays, 1 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 344, and the bill, having received the required constitutional majority, is declared passed. 3-4-7. On the Order of Secretary's Desk, Concurrence, is Senate Bill 347, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 347.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

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Thank you, Mr. President and Members of the Senate. House Amendment 1 to Senate Bill 347 is simply cleanup, technical language that was offered. House Amendment 2 is an agreed-upon amendment offered by the Department of Public Health. It provides for penalties for first and subsequent violations of embargo orders issued pursuant to the Food, Drug and Cosmetics Act. It imposes late fees for delay in securing permits for milk plants, receiving stations and bulk milk haulers, and it eliminates the licensing requirement for religious or not-for-profit corporations in operating salvage warehouses. There was no opposition to this amendment. I'll be happy to answer any questions and would move to concur in House Amendments 1 and 2.

PRESIDENT ROCK:

All right. The Lady has moved concurrence with House Amendments 1 and 2. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates she will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, as I understood the bill as it left the Senate, there were some immunities in there for persons, and that's what the bill did. How did House Amendment No. 1 change the immunities?

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

It simply changed the terminology to other persons, rather than the terms that were used in the bill. It provided nothing else.

PRESIDENT ROCK:

All right. The question is, shall the Senate concur in House

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Amendments 1 and 2 to Senate Bill 347. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate does concur in House Amendments 1 and 2 to Senate Bill 347, and the bill, having received the required constitutional majority, is declared passed. 376. Senator Smith. Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, and 3 to Senate Bill 376.

PRESIDENT ROCK:

...(machine cutoff)... Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. I wish to concur with the Amendments 1, 2 and 3 to Senate Bill 376. Senate Bill 376 passed by the Senate and mandated the Hospital Service Procurement Advisory Board to make an annual report to the Governor and the General Assembly concerning the economic status of Medicaid Program. Amendment No. 1 deletes all, and the Department of Public Aid shall provide twelve months of child care benefits, which is now six months, and twelve months of medical assistance, which is now six months, for the AFDC and General Assembly <sic> cases. When financial assistance benefits are cancelled due to earned income or hours employment, and it adds -- effective date is not until 4-1-90. Also, House Bill 1 <sic> to Senate Bill 376 simply implements a recommendation to the Joint Committee on Welfare Reform and the Governor's Forum on Welfare Reform. Now, Amendment No. 2 shall include the Department's annual reports concerning the Project Chance Program, additional estimates concerning the Employment Program, participants who are placed in employment and other data. This provision will take place immediately, while House Amendment No. 1

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will not be effected until '90. However, House Bill <sic> No. 2 to Senate Bill 376 merely implements a recommendation of the Joint Committee on Welfare Reform. And Amendment No. 3 really is just the recipients who are not able to work due to mental, physical, or social problems shall not be sanctioned by the Department. In cases where a recipient does not cooperate, the Department is permitted to provide a -- protective payment to a substitute payee in order to allow the recipient to participate in drug or alcohol abuse programs or mental rehabilitation. Also, Amendment No. 3 to Senate Bill 376 merely implements a recommendation of the Joint Committee on Welfare Reform. The Department is in favor of this -- of these Amendments No. 1, 2 and 3 to House -- Senate Bill 376, and I merely ask for your concurrence.

PRESIDENT ROCK:

All right. The Lady has moved concurrence to House Amendments 1, 2 and 3 to Senate Bill 376. Discussion? If not, the question is, shall the Senate concur in House Amendments 1, 2 and 3 to Senate Bill 376. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1, 2 and 3 to Senate Bill 376. And the bill, having received the required constitutional majority, is declared passed. Top of Page 13. 3-8-3. Senator Jones. 392. Senator D'Arco. On the Order of Secretary's Desk, Concurrence, Senate Bill 392, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 3 to Senate Bill 392.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the Energy Assistance Act.

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We still have some problems to work out, and I would move to non-concur in House Amendments 1 and 3.

PRESIDENT ROCK:

All right. Senator D'Arco has moved now to non-concur with House Amendments 1 and 3 to Senate Bill 392. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 3-9-4. Senator Maitland. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 394.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. I reluctantly have to rise to -- to non-concur. And for those who are supporting this, I support the notion as well, except that there was a serious error in the drafting, and so we're going to have to send it back and -- and get that change made. I would therefore move, Mr. President, to non-concur.

PRESIDENT ROCK:

All right. Senator Maitland has moved to non-concur in House Amendment No. 2 to Senate Bill 394. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 399. Senator Barkhausen. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 399.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members. Amendment No. -- House Amendment No. 1 to Senate Bill 399 deals with -- relates of course to the

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original bill, which itself is on the subject of the death penalty, and which added as an additional offense to felony murder. The fact that a felony may have been committed -- that the felony was a calculated criminal drug conspiracy, the underlying felony. House Amendment No. 1 adds the provisions of a bill that -- that we have passed before in 1987. It was House Bill 156. It would permit, as an additional aggravating factor for death penalty deliberations, murder -- the fact that a murder was committed in a cold, calculated and premeditated manner, pursuant to a preconceived plan, scheme or design to take a human life by unlawful means. This is very similar to - in fact, it's narrower than - language from the Florida Death Penalty Statute, which has been -- has been challenged on constitutional grounds and has been upheld there by the Supreme Court on several occasions, and the U.S. Supreme Court has denied Certiorari, thus implicitly upholding the constitutionality of that Florida Statute. I'd be happy to answer any questions, and would otherwise ask for concurrence in House Amendment No. 1.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence in House Amendment No. 1. Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to this motion. Senator Barkhausen, in his comments, indicated that this is similar to a bill that we passed in 1987. What he failed to say was that that bill was vetoed by the Governor. And in the Governor's opinion and their legal staff, was unconstitutional. If you look at the language here, nobody wants to condone cold, calculated and premeditated as the -- as a trigger for the death penalty. However, what you are doing is inviting just additional kinds of appeals, prolonged contests among State and federal courts regarding whether cold, calculated, premeditated are

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sufficiently succinct and definable, so as to be the basis for the death penalty. And I think that we're kidding each other if we think that this kind of legislation is going to result in any more death penalties. I would suggest that the only thing it will result in is more appeals, longer stays, and a lot more expenses that we're going to pay as taxpayers for the guy that really should be put away for life without uncertain kinds of definitions in the law. It doesn't make sense. It may sound good on some people's campaign literature, but it's not going to hold up in the courts, and the Governor agrees that it's not going to hold up. He vetoed this bill. I would urge that No vote on the Motion to Concur.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen, you wish to close?

SENATOR BARKHAUSEN:

Please, Mr. President, just let me in closing, respond to the remarks just made. I think the Governor, in acting as he did on the earlier legislation, made one of his rare mistakes of judgment, and let me quickly say why. The language in question here, is -- is much more limited than language -- the constitutionality of which has already been upheld. As I mentioned in my opening remarks, Florida has, as part of its death penalty, the aggravating factor that a murder was committed in a cold, calculated and premeditated manner, and that has been upheld. But in addition, what we would be adding here, not only requires that factor, but in addition, the qualifying language pursuant to a preconceived plan, scheme or design to take a human life. So what we are talking about here is not only cold, calculated and premeditated, but a -- a preconceived plan whereby an individual say, decides to commit a murder by torture, and thinks it out well in advance. So I don't think there's -- notwithstanding what the Governor did with this earlier

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legislation - and believe me, he caught us by surprise. We would have worked with his office a little more closely had we anticipated the possibility of a veto. I don't think there's any question, given the track record of litigation on the Florida Statute, which is much more expansive than this language, that a constitutionality challenge would fail, and I strongly urge your concurrence with the House amendment.

PRESIDENT ROCK:

Question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 399. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 3 Nays, 4 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 399. And the bill, having received the required constitutional majority, is declared passed. All right. Skip over to Page 16, Ladies and Gentlemen. Page 16. At the request of the appropriations people, we are skipping those appropriations bills. 4-4-9. Senator Severns. 467. Senator Topinka. On the Order of Secretary's Desk, Concurrence, middle of Page 16, is Senate Bill 467, Madam Secretary.

SECRETARY HAWKER:

House Amendments 2 and 4 to Senate Bill 467.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I would move that we concur with House Amendments No. 2 and No. 4. House Amendment No. 2 is basically language which Senator D'Arco suggested to the House, and which now comes back to us. It makes a -- an Aboriginal Records and Antiquities Act stronger by creating the Illinois State Agency Historic Resources Preservation

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Act. And provides that an agency must submit plans for a proposed undertaking to the Director of Historic Preservation to determine if the project adversely affects the historic resource. And it allows and defines ways of working out any difficulties or differences. House Amendment No. 4 would make me the somewhat reluctant mother of the Tully monster, and that's the two amendments, and I would ask for your support.

PRESIDENT ROCK:

All right. The Lady has moved concurrence with House Amendments 2 and 4. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I heard you say something about the Tully monster or fossil, or whatever it is. And Senator Joyce is not on the Floor, but I -- I do know that currently, to the best to my recollection, reposes in the Senate Executive Committee for some particular study, and now I see it here as House Amendment No. 4. I was wondering maybe if we want to take this out of the record until Senator Joyce returns. Perhaps he might have more to say about it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Last year I had this child, and basically the reason that it was nominated as -- as our fossil, is that it is unique to the State of Illinois. And the kids voted on it. Now, the reason the Governor vetoed it was because he said it was a communist-type election - there was only one fossil, there wasn't two that the kids could pick from. But, Senator Keats, if you are anyplace within distance, I believe it was your district that originally came up with this idea.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Topinka.

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SENATOR TOPINKA:

Well -- in trying to comply with Senator Demuzio, Senator Joyce is on the Floor. If -- if he would like to address the Tully monster, he is here, and I'm more than willing to deal with this with him, in whatever capacity he likes. Otherwise, the original bill has now been before us three times. It started with Representative John O'Connell, and we've gotten it to the Governor, and for whatever reason it's always slipped through the cracks. So I would like to get it to the Governor's Office. But, if Senator Joyce has any Tully monster comments, I'm open to them.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

I have no Tully monster comments.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate concur in House Amendments 2 and 4 to Senate Bill 467. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 48, the Nays, 8, 1 voting Present. And the Senate does concur in House Amendments 2 and 4 to Senate Bill 467. The bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 472. Senator Topinka.

SENATOR TOPINKA:

If I may, in all the hubbub over this outstanding effort we were putting forth on behalf of the Tully monster, I forgot to vote. So as a result, if I could have voted, I would had voted Yes on my own bill.

PRESIDING OFFICER: (SENATOR LUFT)

On the Order of Concurrence is Senate Bill 472. Senator Lechowicz. Read the bill, please, Madam Secretary.

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SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 472.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Senate do non-concur in House Amendment No. 1, and that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz moves to non-concur in House Amendment No. 1 to Senate Bill 472. All those in favor, signify by saying Aye. All opposed, Nay. The motion carries, and the Secretary shall so inform the House. On the Order of Concurrence is Senate Bill 482. Senator Jones. On the Order of Concurrence is Senate Bill 489. Senator Topinka. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 489.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, I would ask that we -- I would move that we concur with House Amendment No. 1, which would clarify a provision that a second or subsequent violation of transmitting a false report to the Department of Children and Family Services, under the Abused and Neglected Child Reporting Act, shall constitute a Class 4 felony. And other than that, it has no substantive changes.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

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The sponsor indicates she will yield. Senator Hall.

SENATOR HALL:

Senator, are you increasing the -- the penalty on -- just what are you doing here?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

I am -- the original Act was a Class A instead of a Class A -- Class C misdemeanor and then second or subsequent offenses would be Class 4 felonies, instead of Class A misdemeanors. And what we are doing here is we are making it a Class 4 felony. In other words, we are, indeed, raising the ante.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hall.

SENATOR HALL:

Well, I'm just reading from here. It says, "provides that transmitting a false report to the Department of Children and Family Services." Now, what -- what do you -- there could be a lot of false reports. Just why would this be such a large increase, and from a Class C to a Class A misdemeanor?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Because the problem has gotten to be so horrendously large and it has become a costly item to nursing homes, and it has become a problem in follow-up litigation, and it -- this is the only way, I think, we can address it, is to just get people to stop doing this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hall.

SENATOR HALL:

Well, I think this is a bad Act. I -- I'm -- I'm certainly

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opposed to this, and I hope others do, because such a harsh penalty as this for saying just a false report. That could entail many things. I would urge a No vote on this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

I think I understand what you're doing here, and I have no objection to it. I wonder, having handled a similar bill in another area this year, the word "knowingly" was a very important word. Does your bill take effect if -- only if the person knowingly makes a false report?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Yes, Senator Schuneman. Knowingly is -- is in the bill, so you would have to know that you are doing this when you intentionally call the hotline and start this whole process.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Well, considering, you know, as Senator Schuneman brought up - and it's a very good point - this isn't false as in something that people were not aware of there. They are quite aware when they are doing this. And because we do, indeed, include that word and it is intentional, I would ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 489. Those in favor will vote Aye.

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Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish. Take the record, please, Madam Secretary. On that question, the Ayes are 57, the Nays 1, none voting Present. And the Senate does concur in Amendment No. 1 to Senate Bill 489. And the bill, having received the required constitutional majority, is declared passed. At the bottom of Page 16, on the Order of Concurrence, is Senate Bill 494. Senator Holmberg. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Amendment No. -- House Amendment No. 1 to Senate Bill 494.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This amendment is basically just a clean up of the bill that we sent over to the House. It's been agreed to by all parties involved, including ED-RED and the TIF Association, who were the major proponents and opponents of the bill. It basically sets up a Permissive Advisory Board when a TIF is formed originally, and some guidelines for what they are to do.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 494. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record please, Madam Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. And the Senate does concur in Amendment No. 1 to House Bill 494. The bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence, on the bottom of Page 16, is Senate Bill 499. Senator del Valle. Read the bill, please, Madam Secretary.

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SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 499.

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Amendment No. 2 clarifies provisions of the bill concerning vacancy lists in trainee programs. And eliminates provisions pertaining to foreign language issues. And addresses the issue of collective bargaining contracts. This amendment was worked out with the Legal Assistance Foundation, the union, CMS and the Governor's Office.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 499. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. And the Senate does concur in House Amendment No. 2 to Senate Bill 499. And the bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence, is Senate Bill 500. Senator Vadalabene. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Amendments 2 and 3 to Senate Bill 500.

PRESIDING OFFICER: (SENATOR LUFT)

Senator -- Senator Vadalabene.

SENATOR VADALABENE:

Thank you, Mr. President and Members of the Senate. Amendment No. 2 to House Bill 500 has that if the library adopts a resolution to convert to districts, they cannot exceed the number of trustees on the former board. And Amendment No. 3 -- this

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amendment merely provides a safeguard for one year that ensures that the municipal tax levied on behalf of the local library does not continue to be levied after the local municipal library converts to a library district. And I concur to Amendments No. 2 and 3.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendments 2 and 3 to Senate Bill 500. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. And the Senate does concur in House Amendments 2 and 3 to Senate Bill 500, and, the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 505. Senator Marovitz. On the Order of Concurrence is Senate Bill 540. Senator Demuzio. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 505 with -- or Senate Bill 540 with Amendments 1 and 3.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. House Amendment -- when this bill left here, it was a -- a -- a vehicle bill. It came back. House Amendment 1 says that after January the 1st of 1990, all employees or firms holding contracts with school districts shall be subject to criminal background investigations, including food service workers, school bus drivers, other transportation employees, with direct daily -- contact with students. Amendment No. -- there's only -- there's only one amendment.

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PRESIDING OFFICER: (SENATOR LUFT)

That's correct. Amendment No. 1 to Senate Bill 540.

SENATOR DEMUZIO:

I thought you said there were two amendments.

PRESIDING OFFICER: (SENATOR LUFT)

I don't think I did. If I did, I erred. It wasn't you.

SENATOR DEMUZIO:

So I've done my duty. I've explained Amendment 1.

PRESIDING OFFICER: (SENATOR LUFT)

That's correct. Discussion? Discussion? If not, the question is, shall the Senate concur in Amendment -- House Amendment No. 1 to Senate Bill 540. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present, and the Senate does concur in House Amendment No. 1 to Senate Bill 5-4-0. And the bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence is Senate Bill 571. Senator Jacobs. Read the bill, please, Madam Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 571 with House Amendment No. 2.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move we concur in House Amendment No. 2. This amendment strictly puts the Agreed Bill process back into its procedure. We have dropped the two amendments in regards to the Fire Fighters, and the fire protection districts where there's a problem, and then also the one with AFSCME. So, it's back in its original form, and ask that we concur.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
Would the sponsor yield?

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he will yield. Senator Hudson.

SENATOR HUDSON:

Senator Jacobs, one question of you, and that would be, can you...can you tell us why Amendment No. 1 or at least part of the original Amendment No. 1 was put back in the bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Senator Hudson, other than the fact that that came over to us originally from the House, it was part of what we understood to be the original concept, no I cannot. The only thing I can tell you is that they can currently get that information now under the Freedom of Information Act, and this provision would simply discontinue the distribution requirement.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Yes, just for the information of some members here, with Amendments No. 2 and 3 coming off, I think the bill to that extent is...is much improved, and we appreciate the Senators' work on that. But Amendment No. 1 does contain a provision which was not agreed to, and would exempt Cook County from the act which requires counties to publish twice a year a statement with the names, addresses, and salaries of every county employee. Just so that you will be aware of what the amendment basically does, and I will probably be voting No on the concurrence.

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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jacobs, to close.

SENATOR JACOBS:

Just to ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 571. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 40, the Nays are 17, none voting Present. And the Senate does concur in House Amendment No. 2 to Senate Bill 571. And the bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence, is Senate Bill 573. Senator Jacobs. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 to Senate Bill 573.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill strictly adds two additional public members to the governing board of the Quad Cities Regional Economic Development Authority. And this was at the request of DCCA.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 573. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 573.

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And the bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence, Senate Bill 588. Senator Netsch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 2 to Senate Bill 588.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I move that the Senate concur in House Amendment No. 2 to Senate Bill 588. This is the extremely important bill that deals with scavenger sales, tax delinquency sales, and is designed by a wide coalition of groups that are interested, both in the availability of housing and the business community, to help to speed up the process and eliminate the fraud and abuse that has occasionally happened in the tax -- the scavenger sale process, so that property can get back on the tax rolls more readily and be used for a - not only generating tax revenues, but hopefully, to -- to develop some affordable housing and other matters. The amendment does two things. It eliminated a provision which was in the bill as it left the Senate, that required a delinquent tax search before recordation of a transfer of ownership interest. That was a seven-year search. A number of the groups that are generally supportive thought that it was too much of a burden, and although I'm sorry we are losing that provision, I think it is a reasonable compromise. It also exempts units of local government from what I would call the prequalification requirements for the scavenger sale. That is for registering, getting a certificate, and so forth, which, obviously, is not appropriate as applied to units of local government when they are bidding in the scavenger sale process. With these amendments, in addition to the enormous array of groups

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that supported the bill initially, we also have the Cook County Board President, the City of Chicago, the Cook County Assessor, the Cook County State's Attorney, and on and on and on. I would be happy to answer questions. Otherwise, I would move that we concur in Amendment No. 2 to Senate Bill 588.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Did you say, Senator Netsch, that since this -- these amendments have gone on exempting local units and exempting all these prequalifying and the search and all this type of stuff, that now we have the -- the support also of the City of Chicago, the County of Cook, et cetera?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Actually, the City of Chicago has been totally supportive from the very beginning. I didn't mean to suggest otherwise. For some reason, it was suggested that I restate that the City indeed is highly supportive and including of these amendments. And I think that's really the message that was intended to be conveyed. But the City has been behind the bill from the beginning.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 588. Those in favor will vote Aye. Opposed, vote Nay. The voting is opened. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 588, and the bill, having received the required constitutional majority, is declared passed. On the

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Order of Concurrence is Senate Bill 593. Senator Holmberg. On the Order of Concurrence is Senate Bill 6-0-1. Senator Barkhausen. Senator Barkhausen. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 6-0-1.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 601, as amended in the House -- well, I should say as it left here, it only included Lake County. This is the bill that authorizes county boards to act to increase the fee on -- on case filings from six to ten dollars, if they wish - and they -- I emphasize they have to take the action to do so - for the support of county law libraries. When it got over to the House, and interest was expressed on the part of Cook County in -- in being included - they didn't have any opinion at the time we dealt with it here - so it -- and it also deals with DuPage, which apparently has some interest in this. But I emphasize that it does take an affirmative act on the part of the county board to raise this fee from six to as much as ten dollars per case. I would ask your concurrence.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 6-0-1. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, 1 voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 6-0-1, and the bill, having received the required constitutional

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majority, is declared passed. On the Order of Concurrence is Senate Bill 6-1-3. Senator Collins. Senator Collins. On the Order of Concurrence is 622. Senator Collins. At the bottom of Page 17, on the Order of Concurrence, is Senate Bill 629. Senator Hall. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 3 to Senate Bill 629.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I concur with Amendment -- with House Amendment No. 3. And I want to tell you that this all came about -- the hard work of both sides of the aisle. The President of the Senate, the Minority Leader, the Speaker of the House and the Minority Leader, the Audit Commission and the ICBB, and the Governor's Office, all played a great part, and finally come up with a bill that could -- and this bill eliminates the name of the State Community College of East St. Louis. The bill dissolves the district and that -- what's going to happen -- there are going to be seven new members appointed on the board; going to do away with the board that's now present by January 1, 1990. Also that it will -- and what the college must do now is become a two-year college like all. So it -- after that, the State will operate this college and it will operate similar to any other four-year college and receive direct State appropriations -- and will collect tuition from students. There will have to be an election, and that locale will pay taxes like the rest of the State. It's just so many people who deserve the credit that this has happened. And for once and for all, we'll be on the road, hopefully, that they will be more students admitted to the colleges, and then the others -- they can also go to the other colleges around. This is a very important piece of

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legislation. I can't pay enough praise to Representative Flinn, who helped guided this. It's originated over here, and so with that, I move for the adoption of House Amendment No. 3.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 629. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 56, the Nays, none, none voting Present, and the Senate does concur in House Amendment No. 3 to Senate Bill 6-2-9. And the bill, having received the required constitutional majority, is declared passed. At the bottom of Page 17 is Senate Bill 632. Senator Welch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 632.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Mr. President. I would move to non-concur in Amendment No. 1 to Senate Bill 632.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Welch moves to non-concur in House Amendment No. 1 to Senate Bill 632. All those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. At the top of Page 18. At the top of Page 18, is Senate Bill 6-3-3. Senator Welch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 2 to Senate Bill 633.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would move to concur in House Amendment No. 1 to Senate Bill 633. What this amendment does is establish an offense of criminal operation of a hazardous waste or a PCB incinerator, and specifies penalties for the corporation that - operates it with a criminal intent. The criminal operation of a hazardous waste incinerator occurs when the operator knowingly violates the terms of an EPA permit relating to the rate or temperature of an incinerator, or monitoring of the emissions. The first-time offense would be a Class 4 felony. Subsequent...offenses would be Class 3 felonies. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I have no objection to what they're trying to do. I'm a little confused about the way they are doing it. And I had asked the sponsor to hold this until it could get cleared up, but the handlers for the Attorney General's Office don't really want to. This amendment, by the way, never showed up in the Senate. And the confusion that I have, and I have to direct the question toward the sponsor, it says here, "any person." Now if I have someone working for me, and I'm the operator of an incinerator, and that person chooses to go ahead and operate that incorrectly, does that employee get charged under this, or do I get charged?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

The Statute is under the section relating to corporations, and corporate crime. So it would be the corporation who would be

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responsible.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if the corporation is responsible, and again, I'm not an attorney, can you charge a corporation with a Class 4 felony?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

If the corporation, acting through its officers or agents, has the requisite state of mind, yes, you could.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you mean some individuals of the corporations would be charged?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Well, the corporation operates through individuals, of course, it's a fictional person.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I would feel more comfortable if we could clear that point up, because I have operated a company and I've had employees who have willfully disobeyed safety regulations, and I got cited by OSHA after I, in fact, wrote them up in retaliation. I mean, I...I really agree with what you trying to do, but I think you're not getting everybody whose involved in it, and you may, unfortunately, get someone who isn't involved in it, because of some form of retribution involved in it. So I would really like

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for you to hold this, Senator Welch, till we clear that up.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Well, we... we think it's about as clear as we're going to be able to get it. It refers to the individuals with criminal intent, because we're talking about crimes being committed. I don't know how we can make it any clearer than it already is, frankly.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR LUFT)

The Senator indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I would like to pursue the criminal intent aspect and who exactly has to have what intent for the corporation to be...be charged. If a non-officer employee knowingly commits a violation, but the officers have not given permission for that, or do not know of it, I take it then the corporation is not responsible, criminally?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

That's correct. The corporation would have to acknowledge and condone the act of the employee.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hawkinson.

SENATOR HAWKINSON:

And it's the word condone, in other words, they have to

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authorize the action. And if the corporate officers do not, the knowing violation by a non-officer employee would not subject the corporation to the criminal penalties.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

I believe that's correct, Senator.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch, you wish to close?

SENATOR WELCH:

Well, I would just like to say that the reason for the amendment is that we've had several...we have a company who has been cited, and yet we can't get their attention to stop violating agreed resolutions of these violations. There have been twenty-three violations since an agreement was reached with the Attorney General's Office. The amendment was drafted by the Attorney General's Office, and I think that we could probably trust their ability to draft a amendments that the Attorney General is going to enforce. The Environmental Protection Agency has also reviewed this amendment, and they are in support of this amendment. So I would move for adoption...

PRESIDING OFFICER:

...All right. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 633. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record please, Mr. Secretary. On the question, the Ayes are 53, the Nays are none, 3 voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 633, and 633. (machine cutoff)...Senator Welch, you made a motion only on Amendment No. 1. There was two amendments on this bill. Senator Welch, on Amendment No. 2.

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SENATOR WELCH:

Amendment No. 2 is a...correcting a drafting error in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall...Okay, we'll use the same roll call. On that, the Senate does concur in the House Amendments No. 1 and 2 to Senate Bill 633. And the bill, having received the required constitutional majority, is declared passed. At the top of Page 18, on the Order of Concurrence, is Senate Bill 634. Senator Welch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 4 to Senate Bill 634.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would move to concur in House Amendments No. 1 and 4. House Amendment No. 1 replaced the original bill, basically, because the person who is to give the notice of an assessment change - we finally changed it to the Chief Assessing Officer to provide a -- a mailed notice to all of the property taxpayers whose assessment has been changed. This would give the homeowner the ability to apply for a homestead exemption which is already on the books, and we felt that few people knew about. Amendment No. 4, which was added in the House, is an agreed amendment, revising provisions applicable to the sales of property made in error, and reducing interest payable to the purchaser in error. It establishes a pool to pay the cost of tax buyers, in cases of sales error by establishing a -- a new fee assessed on tax purchasers. I'd be glad to try and answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the

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Senate concur in House Amendments No. 1 -- I'm sorry. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield, for a change?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, is -- is this a new mailing that's going to be required, or is it simply new information that goes on an already existing mailed notice?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

As to House Amendment No. 1 -- this is an existing notice. And what we did was -- the objection was that there would be a separate notice under the original bill. This just requires the notice that automatically goes out, have bold type, and the notice about your homestead assessment change is in bold type. It's the same bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hawkinson.

SENATOR HAWKINSON:

So there's no new mailing with any additional costs to the assessor's office?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 4 to Senate Bill 634. Those

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in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur in House Amendments 1 and 4 to Senate Bill 634, and the bill, having received the required constitutional majority, is declared -- passed. On the Order of Senate Bills, Concurrence, is Senate Bill 635. Senator Welch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 2 to Senate Bill 635.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is one of the lead-acid battery bills that we had passed over to the House. What House Amendment No. 1 does is allow a five-dollar returnable fee on recycling credit on all lead-acid batteries. Requires retailers and wholesalers to accept used batteries, and requires ENR to study household batteries and implement pilot projects for collection and recycling of household batteries. Amendment No. 2 allows a returnable fee or recycling credit on all lead-acid batteries, the amount to be determined by the seller. And deleted the cap of five dollars. Those were the only two amendments. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Just a question. I notice this -- this passed out of the Senate with a 30 to 28 vote, and I -- obviously a lot of objection to it when it left here. Is it any better now than when it left, Senator?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Well, yes, Senator Watson. It's much better. The retail merchants are now supporting it, and there is a -- a marketplace floating agreement on what the credit will be if different retailers could say, "We'll give you five dollars or ten dollars as a credit, as opposed to our five-dollar flat rate."

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Watson is wrong. I have the roll call in front of me. It left the Senate 36 to 17. It's probably the first time I've ever known Senator Watson to be wrong. But I just wanted to point out, I -- I think he might be a little off on this one.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Welch, to close.

SENATOR WELCH:

Most of my bills do get more than 30 votes, Senator Watson. I would just move for the concurrence in House Amendments No. 1 and 2.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 635. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present, and the Senate does concur in House Amendments 1 and 2 to Senate Bill 635. The bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence, is

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Senate Bill 637. Senator Welch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 637.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is one of the pocket pager bills. I think it was the only Senate bill that was a pocket pager bill. What the House did was, they added an amendment to allow exemptions for other reasons, other than medical reasons, if those reasons are approved by the school board. So it does give some local control. I would move for concurrence in House Amendment No. 1 to Senate Bill 637.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. Just to point out that the way we handled this particular problem in another bill, Senator Welch, was to give the local school council in Chicago the authority to let people opt out. And I believe under the terms of this particular amendment adopted in the House, the central school board does that. And I would question whether that's the way to proceed with these exemptions. It seems to me, you should give the local school council the authority just the way you do the local school board.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Welch, to close.

SENATOR WELCH:

Well, Senator Kustra, I think everybody has their own idea. That's why we have so many pager bills this year. So our theory

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is the school boards -- that's what the House came up with after going through a committee. So I think that this is probably the best way to do it for now, anyway. I would move for concurrence.
PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 637. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 47, the Nays are 10, 1 voting Present. The Senate does concur in Amendment No. -- House Amendment No. 1 to Senate Bill 637. The bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence, is Senate Bill 6-5-2. Senator Berman. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 652.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

Thank you. This is the bill that we passed early in the Session regarding immunity of - indemnification, I'm sorry - indemnification to members of the local school councils and the subdistrict councils under the Chicago School Reform Act. The House put on a technical amendment, which is proper, that the indemnification comes under the Local Government and Governmental Employees Tort Immunity Act. I'd move the concurrence of House Amendment No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for a

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question?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I was just trying to -- skim the ILS <sic> printout, and the last sentence is, "for which a local public entity may levy the tax." Is there any new taxing authority in -- in this technical amendment?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

No. No. It's the same as the tort immunity provisions under every municipality or school board.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 652. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur in Amendment -- House Amendment No. 1 to Senate Bill 652. The bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 659. Senator Berman. Out of the record. On the Order of Concurrence is Senate Bill 667. Senator Thomas Dunn. Senator Thomas Dunn. On the Order of Concurrence is Senate Bill 678. Senator Raica. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 2 to Senate Bill 678.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica.

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SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to non-concur with House Amendment No. 1 and No. 2.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica, moves to non-concur in House Amendments No. 1 and No. 2 to Senate Bill 678. Those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. In the middle of Page 18, on the Order of Concurrence, is Senate Bill 685. Senator Kustra. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 685.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 answers some of the concerns of the Press Association by tightening up what matters can be discussed by a school board in Executive Session. And I urge its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 685. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present, and the Senate does concur in House Amendment No. 1 to Senate Bill 685. The bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence, is Senate Bill 707. Senator Smith. Senator Smith. Read the bill, please, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 707.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. Amendment to Senate Bill 707, as passed by the Senate on the Agreed Bill List, amended the Hospital Licensing Act to require hospitals to submit certain data to the Illinois Health Care Cost Containment Council concerning caesarean sections. The Amendment 1 to 707 merely maintains the original bill, but places it under the Illinois Health Finance Reform Act, rather than the Hospital Licensing Act. I concur with this, and pray that you will go along with me.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 707. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 707. The bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills, Concurrence, is Senate 7-2-5. Senator Jones. Senator Jones. On the Order of Concurrence, at the bottom of Page 18 is Senate Bill 7-2-9. Senator Thomas Dunn. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 729.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

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SENATOR T. DUNN:

Thank you, Mr. President. Originally, this bill provided that no municipality would require any fireman appointed to the lowest rank to serve a probationary period for more than one year. At the time it came up there was a question of whether or not it would affect Chicago. The House amended it so that it would not affect Chicago as it was represented by the Associated Firefighters. I urge a -- to adopt it.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. You know, I've gotten about four letters now from municipalities who claim that this is really going to foul up their whole system - their whole fire system - because of the fact that they only have these training periods for a short period of time, because they don't have large fire districts such as they do in Chicago. So it's not a continuing process. And -- and you might have somebody that just finishes his training period, and then all of a sudden he's a fireman without any probation period and -- and -- you know. Have you received any such letters from anybody in your districts, Senator?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

No, I haven't, Senator. And that's the same argument that -- that you just used that was used on the House Floor, as well as the Senate Floor and it passed in both -- in both places. I think the objection has been that there is a reasonable period that a fireman ought to be on a -- on probation, but that there is probably very, very few instances where it would exceed a year, and when it begins to exceed a year, funny things -- begin to happen to people who are on probation. So I mean, I understand

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what you're saying, but the firemen have -- have gotten behind this and have had relatively very little opposition.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dunn, you wish to close? Senator Dunn.

SENATOR T. DUNN:

No -- No.

PRESIDING OFFICER: (SENATOR LUFT)

Okay. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 729. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 50 -- 43, I'm sorry, the Nays are 10, 4 voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 729. The bill, having received the required constitutional majority, is declared passed. On Page 19, top of Page 19, on the Order of Concurrence, Senate Bill 7-3-5. Senator Carroll. Out of the Record. On the Order of Senate Bills, Concurrence, is 7-3-7. Senator Brookins. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 737.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. House Amendment No. 1 to Senate Bill 737 is intended to provide the protection for landlords to assure that money is available after the tenant vacate the rental unit, to restore the unit. The language of the amendment is identical to the provisions in the federal regulations promulgated following enactment of the Federal Fair Housing Amendment of 1988. And I ask for a favorable roll call.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question -- Senator Watson.

SENATOR WATSON:

Yes. Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he'll yield. Senator Watson.

SENATOR WATSON:

The original legislation states, that it would prohibit an owner of real estate to refuse to allow a handicapped person to modify his residence. In other words, if I owned an apartment building and somebody wanted to change that apartment building to comply with their handicap, I would have to allow them to do that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Brookins.

SENATOR BROOKINS:

That is correct.

PRESIDING OFFICER: (SENATOR LUFT)

Further Discussion? Senator Brookins, to close.

SENATOR BROOKINS:

This language follows the federal housing guidelines, and I ask a favorable concurrence.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 737. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 38, the Nays are 12, 5 voting Present, and the Senate does concur in House Amendment No. 1 to Senate Bill 737. The bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 741. Senator

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Marovitz. On the Order of Concurrence is Senate Bill 743.
Senator Marovitz. On the Order of Concurrence is 744. Senator
Marovitz. On the Order of Concurrence is Senate Bill 751.
Senator Rock. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 751.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
Senate Bill 751, as it left this Chamber, was an authorization for
the Clerk of the House and the Secretary of the Senate to -
pursuant to Rules and Regulations which Senate Operations and
House Operations will impose - charge fees for copies of bills
that they currently don't charge for. House Amendment No. 1
merely set up a General Assembly Operations Fund within the State
Treasury. So that any monies collected can be appropriated by us,
out of that fund, for the operation of the Clerk's Office and the
Senate Secretary's Office. I know of no objection, so I move that
we concur with House Amendment No. 1 to Senate Bill 751.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the
Senate concur in House Amendment No. 1 to Senate Bill 755. Those
in favor will vote Aye. Those opposed, vote Nay. The voting is
open. Have all voted who wished? Have all voted who wished?
Have all voted who wish? Take the record, please, Mr. Secretary.
On that question, the Ayes are 56, the Nay are 1, none voting
Present. The Senate does concur in House Amendment No. 1 to
Senate Bill 7-5-1, and the bill, having received the required
constitutional majority, is declared passed. On the Order of
Concurrence is Senate Bill 753. Senator Schuneman. Out of the
Record. 763. Senate Bill 763. Senator Mahar. Senator Mahar.

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Senator Mahar. Out of the Record. All right. On the Order of Concurrence is Senate Bill 7-7-2. With Leave, Senator Hawkinson, will handle that bill for Senator Marovitz. Is leave granted? Leave is -- out of the record. On the Order of Concurrence is Senate Bill 787. Senator Vadalabene. Read the bill -- read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 787.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and Members of the Senate. The amendment is -- is nonsubstantive in nature -- substantive in nature. Merely states explicitly that all revenue from the two-dollar increase in title fees is to be spent by the Department of Conservation, subject to an appropriation, for the sole purpose of acquiring and developing bike paths. And I move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 7-8-7. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 55, the Nays are none, 3 voting Present. The Senate does concur in Amendment -- House Amendment No. 1 to Senate Bill 787. The bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 7-8-9. Senator D'Arco. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1, 5, 7 and 8 to Senate Bill 789.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, the House put on a bunch of provisions that were rejected by the Senate, and I would move to nonconcur in House Amendments 1, 5, 7 and 8.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco moves to nonconcur in House Amendments to Senate Bill -- House Amendments 1, 5, 7 and 8 to Senate Bill 789. Those in favor will signify by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. On the Order of Concurrence is Senate Bill 819. Senator Jones. Senator Jones. On the Order of Concurrence is Senate Bill 843. Senator Fawell. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 843.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is an agreement that has been reached with the Supreme Court regarding the arbitration fees. It -- they decided that they would delete the circuit clerks to collect a fee of twenty-five dollars for filing a rejection of an arbitration award. The Supreme Court says that this -- there's already a two-hundred-dollar fee. If, indeed, it turns out that the clerks have additional duties, they will speak to them next year.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 843. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 843. And the bill, having received the required -- constitutional majority, is declared passed. On the bottom of Page 19 is Senate Bill 853. Senator Joyce. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 2 to Senate Bill 853.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President. I move that the Senate not concur in House Amendment No. 2 to Senate Bill 853.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Joyce moves to non-concur in House Amendment No. 2 to Senate Bill 8-5-3. Those in favor, signify by saying Aye. Opposed, Nay. The motion carries, and the Secretary shall so inform the House. On Page, turn the Page. Top of Page 20 is Senate Bill 855. Senator Karpel. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 to Senate Bill 855.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. I move that the Senate not concur in House Amendment No. 1 to Senate Bill 855.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpel moves that the Senate do non-concur to House Amendment No. 1 to Senate Bill 855. All those in favor, say Aye. Opposed. The motion carries, and the Secretary shall inform the

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House. Senate Bill 856. Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 856.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move that the Senate non-concur with House Amendment No. 1 to Senate Bill 856.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Weaver moves that the Senate non-concur in House Amendment No. 1 to Senate Bill 856. All in favor, say Aye. All opposed. The Ayes have it. The motion carries. The Secretary shall inform the House. Senate Bill 890. Senator del Valle. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1, 2, 3 and 4 to Senate Bill 890.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to concur in House Amendments 1, 2, 3 and 4. Amendment No. 1 clarifies the original bill by adding that DPA shall define, by rule, what constitutes job-ready and basic literacy levels. And Amendment 2 and 3 are agreed amendments worked out. They're recommendations of the Joint Committee on Welfare Reform. And Amendment No. 4 is identical to Senate Bill 889, which passed the Senate. It just adds an immediate effective date.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, I still

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would rise in opposition to this bill. I realize that the Department of Public Aid is sliding a bit on this. But we're still talking about 5.8 million dollars. Even though it has a delayed effective date, there is no money in the budget for this. Furthermore, this still contains Senate Bill 272, which involved transitional payments in terms of public aid. Those are back in this bill. We defeated it here. It's back. It's -- I think, somewhere along the line, we're going to have to maybe tighten up our negotiations process a little bit. So I would not support this concurrence.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

And the question is, shall the Senate concur in House Amendments 1, 2, 3 and 4 on Senate Bill 890. All -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 30 Ayes, 27 Nays, none recorded as Present, and the Senate does concur in House Amendments, 1, 2, 3 and 4. This bill, having received the constitutional majority, is declared passed. Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President. I'd like to verify the Aye votes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. Lady asked for an verification. Will the Membership please be in their chairs. Mr. Secretary, poll the affirmative vote.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Are there any questions of the affirmative vote?

SENATOR KARPIEL:

Yes. Senator Marovitz, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz. Senator Marovitz in the Chamber? Remove him.

SENATOR TOPINKA:

I think that'll do it, sir.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle asked leave to have this matter on Postponed Consideration. Postponed Consideration. Senate Bill 912. Senator Watson. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 2 to Senate Bill 912.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Senate Bill 912 does exactly what the Calendar says. It amends the Vehicle Code to exempt a passenger in a limousine from the prohibition regarding the transportation or possession of alcoholic liquor in a motor vehicle. House Amendment No. 1 simply defines a limousine. And House Amendment No. 2 simply says that the driver of a limousine must have the required and appropriate driver's license. Be glad to answer any questions. Otherwise, I'd move to concur with House Amendments 1 and 2 to Senate Bill 9-1-2.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator DeAngelis. Okay. Senator Demuzio.

END OF TAPE

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TAPE 3

SENATOR DEMUZIO:

Well, thank you, Mr. President. I voted No on this when it left here. It got 45 votes. I just can't understand why I was one of those twelve people. You are now by virtue of Amendment No. 1, saying that a limousine -- that you're defining a limousine. It contains a passenger compartment enclosed of a partition or divided window that's used in the for-hire transportation of passengers, operated by a person with a valid driver's license. The original bill, as I recall correctly, when it left here -- is this only for limousines? Can you do this in trailer vans and things of that nature, also, now in Illinois? Does that apply to this?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Well, currently, you can use or you can have alcoholic beverages in a van here in Illinois. And this just expands that to limousines. This was brought to my attention by the limousine services throughout this State who wish to use - in weddings and that sort of thing - allow them to have alcoholic beverages in -- in the limousine. Currently, in the Vehicle Code, there is no definition of a limousine. That's why we spelled it out in House Amendment No. 1, I believe it is, why we spelled out the definition of a limousine, so that there couldn't be any abuse of it. And House Amendment No. 2 simply said that the driver of a limousine needs to have the appropriate license.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. May I inquire of the speaker, a

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question, please?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR ALEXANDER:

How - this change in Amendment No. 1, how does that affect funeral directors or funeral car limousines as we know them? And, would it require that a person driving in the confines of this amendment, if the owner decided to drive his own car, would he have to have special license?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

I'm not sure exactly - didn't hear all of the question. I'm sorry. But, for an individual to operate a limousine, they have to have a special license now, and this just clarifies that. This legislation doesn't change that at all. And that amendment doesn't change it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Alexander.

SENATOR ALEXANDER:

To the Sponsor. Am I understanding that the encloement by a partition or dividing window in a funeral limousine, would that have to take place?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Well, yes, that's the definition of the limousine. Now, I don't know how this would affect a funeral car or -- or what your referring to. But a limousine, as we now know it, the stretch limousine is simply defined now in the Vehicle Code. Prior to this, there was no definition of a -- of a limousine.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Hudson.

SENATOR HUDSON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HUDSON:

Senator Watson, I've - you're referring to, among others, you're referring to limousines that would take you out to the airport to meet your plane and whatever, if your traveling. And currently now, I've noticed in some of those limousines that there are -- bar arrangements. Now, I've never investigated to see whether there's any live stuff there or not, but is it currently prohibited?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Yes, sir, Senator Hudson. It's my understand that it is.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hudson.

SENATOR HUDSON:

Where does the -- the thrust -- where -- who wants it? I mean, why is it necessary?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Well, it was brought to my attention by a limousine chauffeur in my district, who does a lot of weddings. He came to me and he said, "Well, I'd like to be able to offer the wedding couple a glass of champagne in the back of my car, as long as it's separated from the front, from the driver. And that's basically what we're doing here. That is already vans, and some mobile homes are exempt from this law. Now, we're just adding

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limousines.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson, to close.

SENATOR WATSON:

Well, I would ask for the favorable support of the -- the Body here. This bill passed out of here with limited opposition, and it did so in the House. In fact, it was in short debate in the House, so I'm not sure where the objections are coming from. We're just trying to allow for limousine drivers to take wedding parties on a jaunt through town and offer them a glass of champagne while they're going. I ask for the concurrence in -- of the Amendments No. 1 and 2 to Senate Bill 9-1-2. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate concur in House Amendments 1 and 2 on Senate Bill 912. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 45 Ayes, 8 Nays, 1 recorded as Present. The Senate does concur in House Amendments 1 and 2 on Senate Bill 912, and the bill, having received the required constitutional majority, is hereby declared passed. Senator DeAngelis.

SENATOR DeANGELIS:

Yes. Thank you, Mr. President. I have an inquiry of the Chair.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

State your inquiry.

SENATOR DeANGELIS:

We have had two bills, I think, two that I know of, in which the concurrence motions have failed, where the sponsors have placed the bills on Postponed Consideration. My question is, is that proper? And the other one is, when will those bills be called? Are they put on a different Calendar or what?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)... I've been informed by the Parliamentarian that it's been done in the past, and that they will appear on the Calendar at some point in time. Senator DeAngelis.

SENATOR DeANGELIS:

Well, that was -- where on the Calendar will they appear? Will they come back again for concurrence again, or do we have to go to Motions of Consideration Postponed? Because, essentially, a -- a defeat of a concurrence motion is basically a non-concurrence action. And a non-concurrence action triggers either a call for a conference committee report - no I'm sorry - calls for the House that it came from to recede. They should be given the opportunity to recede from that motion.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

If you look at Page 16, Rule 36, Motion to Postpone. It's been brought to my attention by the Parliamentarian that that should alleviate your inquiry. And, not in order to delay this any further, what I think what we'll do is, we'll have the Parliamentarian discuss this with the President. I'll give you a -- a proper ruling. Okay? Senate Bill 915. Senator Netsch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 915.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 915 is the bill which applied the provisions of the Motor Vehicle Retail Installment Sales Act, having to do with repossession - those provisions have been in effect for some years - to the Illinois Fairness in Lending and Consumer Installment Loan Acts. The Credit Union

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League had pointed out to me right before the bill left the Senate, that it did not really appropriately apply to them, because credit unions don't really engage in the sale or purchase of commercial paper which affect car loans. Rather, they make their loans directly to their consumers for personal loans for car purchases. So it -- all of the provisions which we had built in, were really not appropriately applied to credit unions. I had agreed to -- to suggest that the amendment be put on in the House. It was. I think it is a good amendment, and I would move that we concur in Amendment -- House Amendment No. 1 to Senate Bill 9-1-5.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 915. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. The Senate does concur in House Amendments 1 and -- or House Amendment No. 1 to Senate Bill 915. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 918. Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 3 to Senate Bill 918.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, 1 and -- on House Amendments 1 and 3.

SENATOR BARKHAUSEN:

Mr. President, I ask that we non-concur in House Amendments 1 and 3 to Senate Bill 918.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to non-concur in House Amendments 1 and 3 to Senate Bill 915 <sic>. All those in favor, say Aye. All opposed, say Nay. The motion carries, and the Secretary shall inform the House. 922. Senator Barkhausen. Read the bill, Mr.

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ACTING SECRETARY: (MR. HARRY)

House Amendments 2 and 3 to Senate Bill 922.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I'm asking concurrence in House Amendments 2 and 3 to Senate Bill 922. House Amendment 2 provides that owners of leased vehicles are not subject to the Financial Responsibility Laws, but are or will be subject to the new mandatory insurance laws. And I ask concurrence in that. And then secondly, Amendment No. 3 deletes the provisions in the bill establishing -- the previously existing minimum amounts of bodily injury and property damage liability limits, and establishes those amounts at the same levels as exist for other individuals. I'd be happy to answer any questions. Otherwise, I ask for concurrence in both of these amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Some questions of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR SCHUNEMAN:

As to the first amendment that you mentioned, why do we want to eliminate the requirement that auto leasing agencies be subject to the Financial Responsibility Law like all the rest of us are? Why do we want to do that?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Because I think the -- the issue is the financial

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responsibility in the insurance coverage for the individual who is leasing the car, a lease being defined as -- as a lease or a rental for more than a thirty-day period. That that is the individual who we're looking to, to be covered. And I'm - we're also assuming that -- that the lessor, before leasing the vehicle, is going to establish that the lessee is covered by insurance.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, on that -- on that issue, the way this works in the real world is that a -- an auto leasing agency that -- that leases a vehicle for a long period of time, requires that the lessee provide insurance, and they invariably require that that insurance also covers the leasing company. So it seems to me what we are doing here is simply eliminating the requirement that -- that they comply with Financial Responsibility Law. Now, we didn't eliminate that requirement for anybody else when we passed mandatory insurance. I don't quite understand why we're doing it for long-term auto -- auto rental or lease agencies.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I have no -- no answer other than the one that I gave to Senator Schuneman's initial question. And -- and, again I come back to the point that the individual who -- or the entity or individual whose financial responsibility and whose status of insurance one would be looking towards under the circumstances, would be the individual who is -- who is leasing the vehicle.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, on the -- on the other amendment, as I read this, what

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it does is reduce the statutory requirement that an auto rental agency provide fifty and one hundred thousand dollars liability insurance for the driver of every one of those vehicles. It reduces that to twenty-forty. Now, before we had any Mandatory Insurance Law in Illinois, we had the law on the books that required an auto rental agency to provide liability insurance for everybody that rented a car on a daily basis from them. This amendment takes that requirement down to only twenty thousand per person and forty thousand per accident, but it does something else that I really think we ought to object to. The way the -- the way the situation works now, is that when you rent a car for a day, at an auto rental agency, they provide the first fifty thousand and one hundred thousand of insurance. Now your insurance may or may not provide additional coverage for you. Probably it does. But not -- not every policy provides it. And if you have an accident, it is the insurance of the auto rental agency that pays first. You may not, in fact, even have a claim under your policy. So the effect of this amendment is to shift the -- the burden of cost from the auto rental agency to the consumer. And I, you know, I really don't think we want to do this, Senator. I think this is a step in the wrong direction and -- and I think you ought to non-concur, send this back, and -- and do what the bill originally sought to do. I think that in effect, what you're doing here, is switching a lot of cost from the auto rental agency to the consumer, and I would stand in opposition to this motion.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, that was a statement. And there's about nine lights. Senator Berman.

SENATOR BERMAN:

Well, I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

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SENATOR BERMAN:

There -- there are a lot of questions on this, and my analysis talks about vehicles that are used to transport passengers. And if that's the case, reducing their coverage to twenty and forty, I think would cause a serious problem. Would you consider taking this out of the record, so we can see just what it does?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, take it out of the record.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Take the bill out of the record, please. Senate Bill 924. Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 2 to Senate Bill 924.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 924 deals with several Appellate Court cases regarding the rights of adopted children to take -- pursuant to wills and trusts executed prior to September 1, 1955. The law in Illinois, as everyone previously understood it before these court cases, was that adopted children would not inherit under such instruments unless the contrary attempt appeared on the document itself. Two recent Appellate Court decisions have called this widely accepted presumption into question. Senate Bill 924 eliminates the resulting confusion by allowing adopted children to inherit under such documents in certain circumstances. If the document clearly provides that adopted children are not to inherit, then adopted children would not take. Alternatively, if the adopted child's parents made special provisions for the adopted child on the assumption that

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the adopted child would not take under the old will or trust, then the old rule applies and the adopted child is excluded under that situation as well. This latter exception could occur when a parent has both natural children and adopted children, but not where the parent had only adopted children. In all other situations, under Senate Bill 924, adopted children are allowed to inherit under -- under pre-September 1, 1955 documents, as if they had been born to the adopting parent. The bill would allow a court to consider evidence of donor intent. House Amendment No. 2, which I am moving to concur in, deals with the immunity provisions for fiduciaries and others who distribute assets or counseled heirs based upon good-faith understandings of existing law. The amendment deletes all references to prospective immunity while retaining the -- retrospective good-faith protections. Also the amendment includes the notice requirements which we previously incorporated in House Bill 1881, which we passed last week. I move that we concur in House Amendment No. 2 to Senate Bill 924.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 924. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On that question, there are 56 Ayes, no Nays, none recorded as Present. The Senate does concur in Amendment No. 2 to Senate Bill 924. And the bill, having received the constitutional majority, is hereby declared passed. Senate Bill 929. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 929.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman. House Amendment No. 1.

SENATOR BERMAN:

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Mr. President, I would move that this bill be recommitted to the Committee on Judiciary.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman moves that Senate Bill 929 be recommitted to Judiciary Committee. Any objection? Hearing none, the bill so recommitted. 936. Senator Mahar. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 936.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate Bill 936, in its original form, allowed State and local law enforcement agencies to recover damages for their efforts in searching for persons who deliberately remain hidden with the intent to cause such a search. And House action basically exempted minors or those under the age of eighteen from this -- from this legislation. I would move to concur with House Amendment No. 1 to Senate Bill 936.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 936. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On that question, there are 57 Ayes, no Nays, none recorded as Present, and the Senate does concur in House Amendment No. 1 to Senate Bill 936. The bill, receiving the constitutional majority, is hereby declared passed. 948. Senator Smith. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 948.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith. House Amendment No. 1.

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SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I concur with the Amendment No. 1 to Senate Bill 948 -- which does -- administrates that the Department of Children and Family Services shall include, in its report concerning family preservation services, an estimate of the time necessary to accomplish Statewide implementation of services, and an estimate of the time period before expansion of family preservation services. It will encompass families with children over the year of six years of age. I ask for your approval. And I concur.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 948. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On that question, there are 58 Ayes, no Nays, none recorded as Present. The Senate does concur in House Amendment No. 1 to Senate Bill 948. And the bill, having received the constitutional majority, is hereby declared passed. 952. Senator Zito. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Amendments 2 and 3 to Senate Bill 952.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Amendment No. 2 to House Bill -- or Senate Bill 952 does several things. The most important of which is further clarification that banks may invest funds for public agencies or for any person. It additionally requires banks to maintain a separate ledger for investments made in behalf of a public agency. Amendment No. 3 was worked on between the Commissioner of Banks and Trusts and the Illinois

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Bankers Association. It -- it explains that -- well, presently, when a bank changes its name to issue usually is resolved in court, not by the commissioner. This amendment would eliminate the requirement that the shareholders approve such name change. I would move for concurrence to House Amendments No. 2 and No. 3.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendments 2 and 3 to Senate Bill 952. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. The Senate does concur in House Amendments 2 and 3 to Senate Bill 952. The bill, having received the constitutional majority, is hereby declared passed. Senate Bill 954. Senator Zito. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 954.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. House Amendment No. 1 to Senate Bill 954 was offered and adopted at the request of the Commissioner of Banks and Trusts. It is identical to Senate Bill 1011 of Senator Barkhausen's. Basically, what this bill will do is -- talks about transaction fees to the list of items to be disclosed with respect to credit cards and retail credit. It would exempt credit cards and negotiable instruments from credit disclosure requirements. I don't know of any opposition. It's acceptable, and would move for its concurrence.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendments No. 1 to Senate Bill 954. Those in favor, vote

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Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present, and the Senate does concur in Amendment No. 1 to Senate Bill 954. And the bill, having received the constitutional majority, is hereby declared passed. On top of Page 21 is Senate Bill 956. Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 956.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Amendment 2 to Senate Bill 956 clearly establishes that the burden of proof is on the defense, to establish that the defendant is mentally retarded. I would move we concur with House Amendment No. 2 to Senate Bill 956.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, we debated this bill a couple of times when it was first in the Senate, and let me remind the Members what this is. The bill may be slightly improved as a result of the House Amendment, but my concerns about it are -- are basically the same. I would -- I would point out, first of all, that the Cook County State's Attorney is opposed to the bill. I would also again mention, as I did in our debate the first time around, that the bill, I think, creates a potential escape hatch for those who might otherwise be subject to the death penalty, that would -- that would be so wide that it would be used in a -- in a great number - maybe even the majority - of death penalty

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cases. For the bill -- makes one who can establish by a preponderance of the evidence that he or she is retarded. It would exempt them from the death penalty, even when they have been convicted of -- of murder, which, of course, shows a -- requires a showing of intent to -- to kill a person. My suggestion to the sponsor and others who are interested in taking this sort of step, is that -- is that rather than making it an absolute defense to the death penalty for one who establishes that they are mentally retarded, is rather that we spell out in greater detail than we do in our existing Death Penalty Statute, that the fact that one is mentally retarded is a - quote, unquote, "mitigating factor" under our Death Penalty Statute that a court must take into account in determining whether the death penalty should be applied. If we pass this bill in its -- its present form, again I emphasize that it -- that it creates a loophole which will, in my judgment, will greatly frustrate prosecutors who were seeking to bring the death penalty in appropriate cases. And therefore I urge your No vote, and I ask as an alternative that we non-concur and establish a conference committee on this important subject.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz, to close. Senator Kelly, on this issue?

SENATOR KELLY:

Yes. Thank you, Mr. President. I just want to point out that this amendment does place a burden of proof on the defense to establish that the defendant is mentally retarded. This even makes it more of a conservative measure than it did when it left, then passed out of the Senate before. And I'm very proud to support Senate Bill 956.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz, to close. Senator Fawell.

SENATOR FAWELL:

Thank you very much. Will the sponsor yield for a question?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR FAWELL:

Is this Dolly Holstrom's bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Yes, Senator, this is Dolly Holstrom's bill. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President and Ladies and Gentlemen of the Senate, as I understand this, the amendment puts the burden on the defendant to prove that he is mentally retarded, or she is mentally retarded, instead of the State. In other words, what we have in 9-5-6 -- what we're saying is, it's even more difficult for a person to prove the retardation, because we've shifted the burden from the defendant. I'm sorry. We shifted the burden from the prosecution to the defendant. Now, does -- to say to this Body that this is the wrong approach, means you're against the bill. To say that retardation should be a condition in mitigation to -- does not - does not address the issue. Because the issue is whether or not a person who is retarded should be given the death sentence, once convicted. That's the issue. It is not enough to make that a simple condition in mitigation, because he won't be given the death sentence, even if it is a condition of mitigation. That's not going to change anything. This amendment makes it tougher, and it places the burden on the defendant. Therefore, we should vote to concur in this amendment. If you were for the bill originally, you should definitely be for this Concurrence Motion, because it even makes it tougher.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Marovitz, to close.

SENATOR MAROVITZ:

Well. Senator D'Arco, really said it all - made a very good speech. And this a tougher bill now than when it left here, when Dolly Holstrom told us all about how important this bill was. And I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 956. All those in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 29 Ayes, 25 Nays, and the House <sic> does not concur in Amendment No. 2. And the Gentleman asks leave to have the matter on Postponed Consideration. Hearing no objection, Postponed Consideration on 956. Ladies and Gentlemen, this afternoon we are deeply honored by having a man who served in the U.S. Congress for over twenty-two years join us. And, now he's serving the Presidential Cabinet as a Secretary of U.S. Department of Veterans Affairs. Let's give a warm and cordial welcome to Congressman Ed Derwinski. Ed, good to have you with us. Please join us. Would you care to say a few words to the Membership, Ed?

EDWARD DERWINSKI:

(Remarks by Congressman Derwinski)

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Also is a former Senator, Don Moore, with us. Don, good to see you. Senate Bill 983. Senator Weaver. 988. Senator Welch. 990. Senator Keats. 999. Senator Welch. 1003. Senator Welch. 1004. Senator Schuneman. 1004. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 1-0-0-4.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The House Amendment No. 2 adopts language that we had agreed to here in the Senate, but, because of a time restraint, were unable to have attached in the Senate. It is language that's been agreed upon between the Department and the insurance companies, dealing with discretionary group coverage. And, I would move that the Senate concur with House Amendment No. 2.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1004. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Nays, no Nays, none recorded as Present. And the Senate does concur in House Amendment No. 2 to Senate Bill 1004. And the bill, have received the constitutional majority, is hereby declared passed. 1012. Senator Keats. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 1012.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The original bill amends the Credit Union Act and Currency Exchange Act in eleven Sections, basically defining "insolvency." It adds a short title to the Currency Exchange Act. The changes are all kind of housekeeping. There was a question by DFI and was supported by the Credit Union League. There were two technical amendments added in the House. One deletes the phrase, "administered and regulated," and replaces it with the term

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"regulated," because it was feared that the term "administered" implied DFI had more authority than it -- than it really had. Second amendment, which was requested by the Currency Exchange Association, increases the initial one-time application fee to five hundred dollars. It's presently one-eighty, would go to two hundred, but they're going to raise it to five. Everyone's agreed to it, because for DFI, the hard work on a new currency exchange is that a new one. Reviewing the application does not take much effort, so they felt it more appropriate that the fee be front-loaded rather than a continuum. I have no trouble with either amendment. I think they're both supporting a innocuous bill, and would appreciate your concurrence.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendments No. 1 and 2 of Senate Bill 1012. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, 2 recorded as Present. And the Senate does concur in Amendments No. 1 and 2 on Senate Bill 1012. And this, having received the constitutional majority, is hereby declared passed. Senate Bill 1013. Senator Keats. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, 3 and 5 to Senate Bill 1013.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

You think the last bill was innocuous. You ought to try this one. This is a totally technical bill, as it left here. In the House, in the House amendment - because it restructures the whole bill - I'll explain it by the House amendments, 'cause it redid the entire bill. The first amendment puts the original bill back

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into its original form. A technical bill that -- that using Amendment 2 and 1, adds the Corporate Fiduciaries Act to the Banking Act, which is a technical problem that needed to be done, because of the corporate fiduciary functions of receivership, et cetera. It also defines some of the terms already used in the Banking Act to clean up the definition of those terms. Those are the first two amendments. The third amendment -- it returns the original definition of merger back to where it was before the bill was introduced, because it was generally accepted as new definition of merger. Probably was not as good as the old one. Then House Amendment No. 4 <sic> allows for the banks to office in the proposed World Trades Center. This will allow foreign banks to office in the World Trade Center. One of these amendments is a hundred and seven pages; another one is hundred and eight pages. Boy, it's technical, but it's all fairly easily defined as I just have here. And I'd appreciate your concurrence in House Amendments 1, 2, 3 and 4 <sic>.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

You're going back to merger as it was defined previous. Do you want to tell me the difference between a merger now definition and a merger then?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

First, it was cumulative. If you have an hour, I have to dig that back out. But what we're doing is essentially leaving it exactly as is. But if you want, I will dig out the two definition differences for you, if you want.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate concur -- I'm sorry. Senator

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Demuzio.

SENATOR DEMUZIO:

Well, I -- I'll tell you what. Why don't we take this out of the record. And I'll read it tonight and come back tomorrow and we can discuss it because it is rather lengthy.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

If he wants to. It's a hundred and eight pages. I'll be glad to read it to you right here on the Floor, if you'd like. Whatever -- the will of the Body. I would move to concur, but if you really feel strongly, I'll sit here and read the definitions for you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman asks if you would take it out of the record and we'll get back to it tomorrow. All right. Take it out of the record. 1017. Senator Mahar. Senator Mahar. 1018. Senator Karpziel. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1018.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I move to concur in House Amendment No. 1 to Senate Bill 1018. The amendment adds the compromise language that was worked out between the Department of the Lottery and JCAR. It exempts game-specific rules from the Administrative Procedure Act, and instead requires the Department to annually publish all game-specific rules each January in the Illinois Register. That's all it does.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in

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House Amendment No. 1 to Senate Bill 1018. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present, and the Senate does concur in House Amendment No. 1 to Senate Bill 1018. This bill, having received the constitutional majority, is hereby declared passed. 1029. Senator Kustra. 1034. Senator Karpiel. Adeline. Senator Karpiel is -- has the Floor. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 1034.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I move to concur in House Amendments 1 and 2 to Senate Bill 1034. This is the DOT conveyance bill, and the two amendments are simply adding additional properties.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1034. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. And the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1034. This bill, having received the constitutional majority, is hereby declared passed. On top of Page 22 is Senate Bill 1036. Senator Dunn. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1036.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. House Amendment 1 to -- Senate Bill 1036 amends the Water Well and Pump Installation Contractor's License Act to define the monitoring well and excludes them from coverage of the Act. Also, amends the Water Well Construction Code to change the definition of "construction." Adds the definition of a "closed loopwell," which is a heat pump type of thing that they didn't want under this bill. Requires the permit from the Illinois Department of Public Health for the construction and operation of any water well, other than community public water systems. And that's about all it does. It deletes an existing provision concerning the refusal of State Mining Board to issue well permits. I move -- concurrence of House Amendment 1.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1036. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, one recorded as Present, and the Senate does concur in House Amendments No. 1 on Senate Bill 1036. And the bill, having received the constitutional majority, is hereby declared passed. Senate Bill 1043. Senator Welch. Out of the record. 1044. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 1044.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Mr. President, I only have House Amendment No. 2 here.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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That is correct.

SENATOR WELCH:

Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

On 1044.

SENATOR WELCH:

I would move to concur in House Amendment No. 2 to Senate Bill 1044. What House Amendment No. 2 is doing is changing the name of the program to the Toxic Pollution Prevention Assistance Program. And makes certain other provisions that we passed out of here optional. It deletes a waiver Section and inserts an innovation plan, which requires concurrence from the Environmental Protection Agency. And allows the resubmitting of a non-concurrence plan. The EPA can use the monies from the Environmental Protection and Inspection Fund for implementation of this reduction program. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1044. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, 2 Nays, none recorded as Present, and the Senate does concur in House Amendment No. 1 <sic> to Senate Bill 1059 <sic>. And this bill, having -- 1044 <sic> and this bill, having received the constitutional majority, is hereby declared passed. Senate Bill 1059. Senator Luft. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1059.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft.

SENATOR LUFT:

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Thank you, Mr. President. The House Amendment requires that the tax exemption on IDFA bonds only occurs on bonds issued after 10-1-89.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1059. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 1059, and the bill, having received the constitutional majority, is hereby declared passed. Senate Bill 1072. Senator Jones. 1075. Senator Savickas. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1075.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas.

SENATOR SAVICKAS:

Mr. President, I would move that we non-concur in House Amendment No. 1, and send it back.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas moves to non-concur in House Amendment No. 1 to Senate Bill 1075. All those in favor, say Aye. Opposed. The motion carries, and the Secretary shall so inform the House. 1094. Senator Severns. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 1094.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. House Amendment 2 expands the definition of an enterprise zone business

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qualifying for exemption from State and local public utility taxes and State sales -- tax. Specifically, this amendment is written for General Motors Foundry, located in the City of Tilton, in Vermilion County. I know of no opposition. I would move for concurrence.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 2. Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she'll yield.

SENATOR WELCH:

The -- the analysis I - are you saying that for any business to get a tax break in an enterprise zone -- has to create two hundred new full-time jobs and maintain a minimum of a thousand jobs? It seems to me you're excluding everybody but General Motors. Is that how that's written, or am I reading this wrong?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

You're reading it wrong. It's already in the law as -- as you've stated. And the only thing this amendment does is provide that General Motors in Tilton, in Vermilion County - which is well out of the 51st District - can be included.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1094. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. And the Senate does concur in House Amendment No. 2 to Senate Bill 1094, and the

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bill, having received the constitutional majority, is hereby declared passed. 1097. Senator Severns. Read the bill.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1097.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House -- Senate Bill 1097 is not changed in intent. Simply clarification was provided in House Amendment 1. I would move for its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the Senator yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR HAWKINSON:

Senator, this bill had a great deal of discussion in the Senate Judiciary Committee the first time around, and -- and nobody objected to the intent of what you are trying to do. Could you give us a little more explanation as to what the House did to -- how does this bill define the offense as it now reads?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Senator. It defines that -- that criminal fortification is the maintaining of a residence or building with the intent to prevent unlawful entry, knowing the premises is being used for the manufacture, storage, delivery or trafficking of drugs.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Are there any presumptions in the language? In other words, is there any presumption that because someone has bars on the windows or bolt locks on the doors -- does that create any presumption that a homeowner is guilty of anything?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

No. It does not. It's - quite frankly, the language in the original bill and still contained within this, is that it's -- it's after -- after a purchase has been made at that home. So it spells out clear intent that drug selling or the selling of drugs has taken place at that residence.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

So evidence only that someone has a guard dog or has locks on their doors or has bars on their windows - none of that creates any evidence that the homeowner is guilty of anything. Is that right?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

That is absolutely correct.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1097. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present.

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And the Senate does concur in House Amendment No. 1 to Senate Bill 1097. The bill, having received the -- constitutional majority, is hereby declared passed. Senate Bill 1114. Senator Raica. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill -- pardon me. House Amendment No. 1 to Senate Bill 1114.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. What the bill originally did is -- amended the Emergency Medical Act, and made changes in relation to ambulance operations, inspections, and added a provision regarding trauma center inspections. The third thing it did was provided that the Department of Public Health shall designate poison resource centers. And what House Amendment No. 1 did is deleted the provisions relating to the poison resource centers. It was an agreed amendment in the House with the Department of Public Health, and I move to concur.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 1. Senator Smith.

SENATOR SMITH:

I'd like to ask the sponsor a question, if I may, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield. Surely.

SENATOR SMITH:

Senator Raica, I wanted to find out if Senate Enrolling and Engrossing are working with the House and the Senate in perfecting the technical problem with the legislation?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica.

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SENATOR RAICA:

I really don't understand the question, Senator.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith.

SENATOR SMITH:

I merely wanted to ask you if the Senate Enrolling and Engrossing Department is working with the House to correct the reference?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica.

SENATOR RAICA:

My understanding, Senator Smith, is that the amendment that came out of the House was agreed to, and everybody was working on it. It was my understanding it was an agreed amendment. I just move to concur, that's all.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith.

SENATOR SMITH:

Did you know that the amendment was technically incorrect?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica.

SENATOR RAICA:

Well, I would imagine that they're working to correct that technicality, then.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith.

SENATOR SMITH:

All right then, Senator.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

The -- the amendment is technically correct, Senator Raica.

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Why don't we just non-concur with this thing and -- and -- and then we'll be able to get it straightened out?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica.

SENATOR RAICA:

Just been informed that the amendment is -- that the problem has been taken care of, and there's no problem with it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate concur in House Amendment No. 1. Senator Demuzio.

SENATOR DEMUZIO:

Unless my -- I -- that's a -- a great explanation, but I don't know how it's been taken care of, where it's been taken care of. It just seems to me that we ought to just pull this out of the record and -- either that, or move to non-concur and send it back to the House.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I'll take it out of the record for the moment. Senator Raica.

SENATOR RAICA:

Well, I mean, if Senator Demuzio has a problem with it, I have no problem in -- taking it out of the record to make him happy, but so long as I can get an opinion from the Chair that I can bring it back again.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Why don't you move to non-concur and correct the amendment? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Maybe to either add to the confusion or -- or get rid of it. It appears, at least, as if the amendment refers to Line 10 on Page 10, and that does not exist. And our question is, if that's in fact the way the amendment reads, then it's not

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something we should allow Enrolling and Engrossing to take care of. That is technically an incorrect amendment that would require a minimal conference committee to sign. On the other hand, if it -- if there is a different amendment that we have not seen that is correct, I would suggest that you take it from the record. Let your staff show it to our staff, so that at least the amendment is doing what you intend it to do, and not allow you to believe that Enrolling and Engrossing is going to do something which they should not be doing.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica.

SENATOR RAICA:

Yeah. It's -- instead of, Senator Carroll, instead of 10, it should have been 1. And they are taking care of the problem. We'll get them on the phone, and we'll take it out of the record for now.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thank you. Senate Bill 1115. Senator Davidson. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1115.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate. This is basically technical, and this amendment clarifies a long-term care ombudsman, who has the right to inspect the clinical and other records of residents. Has the responsibility to investigate and resolve complaints, provides for access to records in case where resident's unable to give consent and there's no legal guardian. And reduces the fines for a violation not to exceed five hundred and one dollars from a thousand dollars. And makes corrections in

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reference to the federal law. I move we concur.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1115. Senator Smith.

SENATOR SMITH:

I merely want to support the sponsor on this concurrence. I think it's a good bill and I think it's long overdue. I just want -- to know that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1115. And the bill, having received the constitutional majority, is hereby declared passed. 1139. Senator Maitland. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 3 to Senate Bill 1139.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1139 -- it is our intent to continue to move this bill through the process. It is a part of the ongoing negotiation between DPA and the -- and the long-term care industry. I therefore would move to non-concur with House Amendments No. 1 and 3.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland moves not to concur in House Amendments 1 and 3 to Senate Bill 1139. All those in favor, say Aye. Opposed. The -- the motion carries, and the Secretary shall inform the

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House. Senate Bill 1193. Senator Donahue. Madam Secretary, please read the bill. -- 1173. Senator Barkhausen.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1173.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move to concur with House Amendment No. 1 to Senate Bill 1173. What the original bill is trying to do is to address the situation that is happening in Washington in the licensure of local laboratories. And this just says -- the amendment says that if there's conflict between the federal rules and the State rules, that the federal rules will take compliance over our rules. And that laboratories that were exempt from licensure must submit a license application to the Department of Public Health by December 31st, 1989. I would move for its concurrence.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1173. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present, and the Senate does concur in House Amendment No. 1 to Senate Bill 1173. And the bill, having received the constitutional majority, is hereby declared passed. 1179. Senator Barkhausen. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1179.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

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SENATOR BARKHAUSEN:

Mr. President and Members, the original bill raises the penalties for reckless driving. And House Amendment 1, with which I am seeking concurrence, provides that it -- it can be or shall be prima facie evidence of a willful or wanton disregard for the safety of others, which is an element of reckless driving, for a motorist to drive around a railroad crossing gates. And I ask your concurrence with this amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I have, obviously, a lot of trains, as you do, going through my district, and very frankly, every once in a while those gates get stuck, and traffic really backs up until finally somebody decides to go around them. Does your amendment say anything about the fact that there has to be a train somewhere, or -- you know, that there is some kind of -- or are we just going to automatically assume that if a gate is down, you're going to have to sit there until somebody comes and fix the gate?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Fawell, I know there are those -- those problems, and I am certainly as impatient with those situations as -- as anyone else. There is currently a penalty for driving in -- in disobedience of these traffic -- railroad traffic control signals. It's now a petty offense. The reason, I suppose, that it probably wouldn't be a good idea to make the kind of exception that you're talking about are situations where you don't have a clear line down the train tracks, and you can't really see whether a train is coming or not. We're trying -- I know there are those situations, as you described them, but I don't -- I don't think it makes sense

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to make an exception for them.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Well, I guess my question is right now, if -- if someone is arrested for going around a gate and that comes into court, and the defense is - the gate was down for fifteen minutes, obviously there was nothing coming, and the gate was stuck. That's a -- that's a defense that I think most judges would recognize and -- and allow it to -- to, you know, allow the penalty to be exempt. But, under this, I'm not sure that he would even have that authority. Would he?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HAWKINSON:

Senator, this doesn't have anything to do with criminal prosecutions. This would have to do with civil lawsuits. Am I correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, it is criminal. It has to do with reckless driving. A charge for reckless driving.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, how does -- does this not have application also to civil

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suits in regard to willful and wanton, which is the step up from negligence, and the situation where we allow punitive damages in the normal course? Or does this only have criminal application?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

My understanding, Senator, is it only -- that it only has criminal application.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

So there's -- it's not your intent, and it's not the intent of this amendment, that a civil suit -- anyone could argue that this Statute would form the basis of a jury instruction regarding willful and wanton negligence.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen. Excuse me.

SENATOR BARKHAUSEN:

I -- I am told that that is the intent. I mean, I didn't -- I didn't draft this, but it amends the Vehicle Code and deals with evidence establishing -- or which could lead to a charge for reckless driving.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, normally, in civil actions where there are -- has been an accident in a violation of the Vehicle Code, one of the things you site when you prepare your jury instructions is that there is a Motor Vehicle Code that sets forth such and such. And I would think what you're really doing here is -- is allowing plaintiffs' attorneys to set this up for punitive damages. But beyond that, in the criminal context, why do you need this provision?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The answer, I think, Senator - although I was given this amendment by the House sponsors - the answer, I think, is that under the existing Vehicle Code, the -- this type of Act is a petty offense. And we're -- and we're making it -- with this amendment, we're -- we're providing that it establishes a basis for a charge of reckless driving, which under the underlying bill, can be a Class A misdemeanor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)... Senator Schaffer.

SENATOR SCHAFFER:

Well, every now and then you see one of these things that makes you a little nervous. And this one makes me more than a little nervous. Frankly, I have a lot of crossings in my area, and I -- if I had a dollar for every time I've seen somebody go around a gate because there was a train or a crew working on the tracks a block away, and the person had sat there for an extended period of time, and the gate was down, and there was nobody there, and the gate stayed down, and the traffic backed up. I'm not saying that justifies it. I'm just saying it happens, and it's going to continue to happen. I guess, if your aimed at that clown that goes around the gate and tries to beat the train and loses, I don't know what more you can do for him except give him a nice funeral. But, I can -- I can see this one coming back to haunt us. I - at the risk of boring the Body - remember my poor brother when he got his sixteen-year-old -- became sixteen and went for his driver's license, came on one of these situations with the Secretary of State's man in the car. He sat there for twenty minutes with the gate down, crew a half a block away working on the tracks - obviously why the gate was down - people honking,

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banging on his car and his windows. And finally he went around, and the guy failed him. But if he hadn't, there'd been a riot. I -- I just, you know, remember the Whistle Bill. We all thought that was a wonderful thing. We couldn't get down here fast enough to repeal that one. I think we better think this one through.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica.

SENATOR RAICA:

Mr. President. I'm just going to ask if Senator Barkhausen can take this out of the record. You know, a lot of us -- and this may be good, but there's a lot of our districts you can't get in and out of without going past the train, and if them gates are down and there's no train coming and they're busted, the car's got to get around somehow or cause a jam. So I just ask that we take this out of the record for now.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen. Take it out of the record. And Senator Raica asks leave of the Body to go back to Senate Bill 1114. 1114. Hearing no objections. Senate Bill 1114. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1114.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. I just ask that we non-concur and we'll just send it back to the House and let them straighten it out and send it back.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica has moved to non-concur with House Amendment 1 to Senate Bill 1114. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the

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Secretary shall so inform the House. Page 23. Top of Page 23.
1180. Senator Barkhausen. 1180, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1180.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this bill relates to the offense of wilfully or recklessly communicating the disease of Acquired Immunodeficiency Syndrome virus, the AIDS virus. It is, as amended, in the same form as House Bill 1871, that was amended, that we sent back to the House. And I ask for your concurrence with the House amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hall.

SENATOR HALL:

Senator, I was looking at this, and this says this might discourage a person from having a test to determine whether he has HIV. I know this, that I'd be reluctant to walk up to something and -- and -- is this -- do you feel that this would be a deterrent for that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Hall, I certainly hope not. That's not the intent of this bill. I can't answer, obviously, that question very definitively. But the -- obviously the idea is to discourage those who know they -- they have the virus, from engaging in the

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kind of conduct that might result in spreading it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

What's -- what's the penalty on this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Class 2 felony.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, I got problems but -- that's okay...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much. Well, Senator Barkhausen, you passed a bill out of here, Senate Bill 1180, which was this bill before the amendment was tacked on, which you're supporting, which is a much better and much stronger and much more clearer bill -- much clearer bill than this. This bill is unbelievably vague. It talks about intimate contact. What is -- what is intimate contact? I mean, the bill you passed out of here is so specific and defined. I may not agree with it, but it's a lot better bill than this is. And you really muddied up your bill by putting this amendment on. I'm not sure -- why are you supporting an amendment which -- which makes your bill a lot more vague, a lot more broad, and a lot less specific?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, the reason is, there are those in the House

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and those here in this Chamber who have more experience in -- in dealing with AIDS related issues, particularly from a public health standpoint, and probably even from a law enforcement standpoint. The bill, as amended, does not simply leave off with the words "intimate contact." It defines intimate contact with another, and elaborates on that definition. So it isn't -- it isn't quite as vague as -- as you make out, I don't think.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, the bill, as you passed it out of here, had to do with criminal communication of AIDS. That was the bill that you passed out here. The bill that you have now, is criminal communication of HIV. If somebody goes in and takes the test, and gets a positive result, and you know from just listening to debates on this Floor, that a tremendous number of those tests result in false positives. The Illinois State Medical Society used that as one of their arguments why they supported the repeal of the premarital AIDS test, that there's such a -- that test is so unreliable. If somebody goes in and just gets a positive result, you are making that person, by mere intimate contact - and I'm still not sure what the definition of that is - you're making that person a criminal, just because they have -- have tested positive. Now, your bill that came out of here was the communication of AIDS. And there's a lot of people in this Body who agree that the reckless communication of AIDS should be a -- should be a crime. But you have stepped back almost a hundred and eighty degrees on that, into this bill. Why don't you put this bill in conference and bring your bill back? And it will pass out of here probably 57 to 2. I -- I mean that seriously. You had a much better bill. According to your -- according to your definition of intimate contact, anybody who kisses is -- has intimate contact. And

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you're going to make these people criminals. You really had a much tighter, much better bill the first way. And I'm not trying to kill 1180, 'cause you and I both know it's going to pass. So why not make it pass the right way, instead of the wrong way?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, if I may close simply by pointing out that this is the same as House Bill 1871 that we passed overwhelming the other day. There might be a provision or two that I would change if I was -- if I was writing the bill. But, in light of the fact that we've already passed out a similar bill, it seems to make sense to me that they -- they be in the same form. And therefore, I ask concurrence with the House amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall -- the Senate concur with House Amendment 1 to Senate Bill 1180. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 13, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1180. And the bill, having received the required constitutional majority, is declared passed. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As chief sponsor of Senate Bill 1094, I'd like to move to reconsider the vote in which House Amendment 2 was adopted. The purpose for this request is after adoption, Senator Woodyard and I found out that the Chairman of the House Committee agreed to let this bill out only on the condition that it would wind up in conference.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Senator Severns is absolutely correct. I certainly support her motion. I did not realize and the -- the amendment attempts to take care of a problem at General Motors Foundry Division in -- in my district. And I appreciate very much the Senator trying to do that, but I did not realize there was an agreement with the House Sponsor, Representative Keane, to put this in a conference committee. And with that, I would certainly support her motion to -- to reconsider.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On Page 22 is Senate Bill 1094. Senator Severns has moved to reconsider the vote by which the Senate adopted House Amendment 1. Those in favor of the Motion to Reconsider will indicate by saying Aye. Opposed, Nay. The Ayes have it. The vote is reconsidered. Senate Bill 1097 <sic> will now remain on the Calendar on the Order of Concurrence. ...(machine cutoff)... Senator Severns.

SENATOR SEVERNS:

It's 1094.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The -- the vote is reconsidered. Now do you -- do you wish to non-concur now?

SENATOR SEVERNS:

I would like to move to non-concur with House Amendment 2 on Senate Bill 1094.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Severns has moved to non-concur with House Amendment 1 to Senate Bill <sic> 1097. 1094. I beg your pardon. 1094. Senator Severns moves to non-concur in House Amendment...

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END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DEMUZIO)

...has moved -- Senator Severns moves to non-concur in House Amendment No. 2 to Senate Bill 1094. All those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. (machine cutoff) All right. Top of Page 23. 1181. Senator Barkhausen. On the Order of Secretary's Desk, Concurrence, is Senate Bill 1181, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1181.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. -- Mr. President and Members, this bill is the so-called wiretap cleanup bill to which I don't think there was any serious objection. Amendment No. 1, adopted in the House, removes the one provision that they thought - I'm not sure that we would agree, but -- although we're asking concurrence with the amendment - but which the House thought expanded upon the law that was passed in this area. And I'd be happy to answer any questions about it. And otherwise, I would seek concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1181. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1181, and the bill, having received the required constitutional majority, is declared passed. 1182. Senator Barkhausen. Madam Secretary. Senate Bill 1-1-8-2.
SECRETARY HAWKER:

House Bill 11, pardon me, House Amendment No. 1 to Senate Bill 1182.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this bill is the one that seeks to modify our laws, so as to make it constitutional, in light of a recent Illinois Supreme Court case, People versus Lindner. The House Amendment is really merely technical, and it inserts -- the language, "while...operating or in actual physical control, as a driver, of a motor vehicle," so that the defendant would have to have -- to meet this definition in order to have the sanctions of suspension or revocation of a license invoked against them. Again, I would seek your concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1182. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1182, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1197, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1197.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Amendment No. 1 creates the division of minority and female employment opportunity, within DOL. DCCA and DOL support this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt House Amendment No...concur with House Amendment No. 1 to Senate Bill 1197. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55. The Nays are none. None voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1197, and the bill, having received the required constitutional majority, is declared passed. 1198. Senator Smith. On the Order of Concurrence, Secretary's Desk, is Senate Bill 1198. Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1198.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. Senate Bill 1198 on the Amendment 1, I wish to non-concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith moves to non-concur with House Amendment 1 to Senate Bill 1198. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries; Secretary shall so inform the House. Senate Bill 1200. Senator Welch. I'm sorry. 1210. Senator Marovitz. Senate Bill 1210, Madam Secretary.

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SECRETARY HAWKER:

House Amendments 1 and 3 to Senate Bill 1210.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I move that the Senate do concur in House Amendment No. 1 to Senate Bill 1210. This adds a provision that requires the State Police to request, from other law enforcement agencies around the State, factors which relate to the possible denial or revocation of a FOID card. And I would ask for adoption -- concurrence with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Well. (machine cutoff) 1 or 1 and 3 or -- you want to separate the question?

SENATOR MAROVITZ:

I'm sorry. I guess I'm asking for concurrence in Nos. 1 and 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Will the Senator yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Thomas Dunn.

SENATOR T. DUNN:

Senator, do I understand that this will require an explanation to be given when there is a denial?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

-- that's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

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SENATOR T. DUNN:

Is that all it does?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

It also adds, as a -- as one of the factors for denying the application, that the mental condition of the applicant is of such a nature as to pose a real and present danger.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur with House Amendments 1 and 3 to Senate Bill 1210. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 5, 2 voting Present. The Senate does concur with House Amendments 1 and 3 to Senate Bill 1200 <sic>, and the bill, having received the required constitutional majority, is declared -- I beg your pardon. Senate Bill 1210, and the bill, having received the required constitutional majority, is declared passed. 1213. 1219. Senator Welch. 1219, Senate Bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1219.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

All right. Thank you, Mr. President. House Amendment No. 1 provided that the filing of a special appearance on behalf of a juvenile does not constitute an appearance for the purposes of the

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subsection. The amendment was merely reiterating the application of the Code of Civil Procedure to the Juvenile Court Act as to the filing of special appearances. I would move to concur with House Amendment No. 1. (machine cutoff)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1219. Those in favor will vote Aye. Those opposed, Nay. The voting is open. (machine cutoff) Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does adopt -- does concur with House Amendment 1 to Senate Bill 1213 -- 1219. And the bill, having received the required constitutional majority, is declared passed. 1289. I'm sorry. 1258. Madam Secretary, Senate Bill 1258.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1258.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendment 1 just stripped out the provisions of this bill. It relates to the Pension Code in the General Assembly. And I would move to non-concur with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock moves to non-concur with House Amendment 1 to Senate Bill 1258. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 1289. Senator Jones. 1298. Senator DeAngelis. Senate Bill 1298, Madam Secretary.

SECRETARY HAWKER:

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House Amendment No. 1 to Senate Bill 1298.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1298, when it went out of here, made some changes in the Charitable and Religious Act. Amendment No. 1 was an amendment that was recommended by the Department of Insurance, regarding the procedures by which a reciprocal shall be organized. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1298. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 1 voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1298, and the bill, having received the required constitutional majority, is declared passed. Top of Page 24. 1302. Senator Rea. 1302, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1302.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. Amendment 1 to Senate Bill 1302 maintains the intent of the bill. However, it creates a new Act concerning the Allied Health Care Professionals, rather than expanding the Family Practice Residency Act to include these professionals. This is a recommendation that came forth by the Illinois Medical Society. And it's supported by the Campaign for Better Health Care, the Illinois Primary Health Care Association,

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and numerous public health organizations which support the bill and the amendment. I would move to concur with Amendment 1 of Senate Bill 1302.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1302. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1302, and the bill, having received the required constitutional majority, is declared passed. House <sic> Bill 1305, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 3 to Senate Bill 1305.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I move to non-concur with House Amendments 1 and 3 to Senate Bill 1305.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns has moved to non-concur with House Amendments 1 and 3 to Senate Bill 1305. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. 1311. Madam Secretary, Senate Bill 1311.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1311.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. There are actually three changes

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made by the amendment. The one dealt with wine, which would permit an individual to retain the twenty-thousand gallon limit on annual manufacturing but removes the limit on storage and sale. The second aspect that was amended was to create an exemption for Wayne Fitzgerald State Park because it is located in a dry area. And it would permit them to develop a future park there -- a lodge there. And the DOC has requested the exemption. The controversial aspect of it is the one that removes from a distributor his right to give coasters and trays. I urge a favorable adoption of the House amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment No. 1. I beg your pardon. There is discussion. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Is this only on House Amendment No. 1 at this time? Okay. I'm sorry. All right. Sorry about that. Mr. President and Ladies and Gentlemen of the Senate, I just have a couple of questions I'd like to ask, 'cause this bill does include the coasters and trays bill that I carried earlier. And it is my understanding - and correct me if I'm wrong, Senator Dunn - are all the distributors now for this bill, including those distributors that are covered by Anheuser-Busch, or are they opposed to it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR T. DUNN:

The distributors are for it. Anheuser-Busch is opposed to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

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Is -- do you now how -- well, we'll go with the big two I guess. Is Miller beer for this, or are they opposed to it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Miller -- Miller Brewery is on board and is not opposed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Just one final question, then. Are there any business groups that -- that are opposed to this, to your knowledge?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

I'm not aware of any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I just wondered if the Alcohol Retail Industry was on record on this one, since they would obviously be the ones denied coasters and other paraphernalia. I've not heard from them, but are they -- they're -- what does that mean?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is that a question? Senator Dunn.

SENATOR T. DUNN:

I think he asked me what it means when you shrug your shoulders, and that means that I haven't heard from them either.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Thomas Dunn may close.

SENATOR T. DUNN:

I urge adoption of the House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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The question is, shall the Senate concur with House Amendment 1 to Senate Bill 1311. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 6, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1311, and the bill, having received the required constitutional majority, is declared passed. 1324. Senator Karpziel. 1329. Senator Topinka. 1330. Senator Keats. Senate Bill 1330, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1330.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you. This bill, as originally passed the Senate on the Agreed Bill List, provides that the Department of Transportation may, at the direction of State Police officers, erect portable regulatory signs on any highway directing second division vehicles to a portable scale. According to the State Police, this came out of a case in DuPage where one was thrown out over it. House Amendment No. 1 adds immediate effective date. In other words, this is turning into a vehicle. I don't feel like a vehicle. I say let's just accept the goofy immediate effective date, and roll the bill out of here. I would appreciate your concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Keats, there are other alternatives open to you, but, this -- is there discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1330. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes

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are 53, the Nays are 4, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1330, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1339. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1339.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Senate non-concur in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz has moved that the Senate non-concur with House Amendment No. 1 to Senate Bill 1339. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senate Bill 1334 <sic>, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1344.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Amendment No. 1 indicates that public institutions of higher ed are encouraged to work with public schools -- grades nine through twelve, to assure that students' course work satisfies Statewide minimum admissions requirements.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendment 1 to Senate Bill 1344. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1344, and the bill, having received the required constitutional majority, is declared passed. 1354. Senator Joyce. 1369. Senator Savickas. On the Secretary's Desk, Concurrence is Senate Bill 1369, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2 and 4 to Senate Bill 1369.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, I would move to nonconcur with House Amendments 1, 2 and 4 to Senate Bill 1369.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas has moved to nonconcur with House Amendments 1, 2 and 4 to Senate Bill 1369. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Motion carries. Secretary will -- shall so inform the House. Senate Bill 1376, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2 and 5 to Senate Bill 1376.

PRESIDING OFFICER (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move that we do concur with House Amendments 1, 2 and 5. In effect, with the net effect of the act is...is to allow a mobile home park owner to increase the rent upon renewal of a lease, but only after giving sixty days' prior notice at the expiration of a lease. This result of an interpretation of an Act that we passed in 1979, where a court had said that the way the

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Act had been written, the court interpreted it to say you could only do that if you did it before January 30 of 1980, which was clearly not the intent of the General Assembly, some of the members of this Body who had sponsors of that bill at that time. This would just say, like any other lease said, within sixty days prior to an expiration, they would have to give you notice of a new lease and its terms.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Friedland. Senator Friedland. I use it too much.

SENATOR FRIEDLAND:

...Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. The sponsors absolutely right. As one of the original sponsor's of this legislation in 1979, it was not the intent of the Assembly to prohibit landlords from ever raising their rents. And he's one hundred percent right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

When that bill left the Senate, it had a provision that the park owner had to give notice to a tenant twelve months prior to ceasing operation of his mobile park. That was removed by this bill, wasn't it, by this amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Geo-Karis, yes, but let me explain it to you a different way. Everything you've seen, all that's left in the

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bill, is that at the ...is that there must be sixty days prior to an expiration at least, notice must be given of any increase in rent. That's all that's in the bill now. There has been a lot of discussion. Park owners wanted to have the ability to change the use by giving one-year notice. Tenants rights group opposed that. There was another court case that held that they could not change the use at any time. That issue is still unresolved. And that issue is in a Conference Committee Report elsewhere. There were things about eviction and all that in this bill at one time. All of that has been removed. The only thing left is that before they can raise the rent, at the end of a one-year lease, they would have to give sixty days' notice of the increase in rent. And again, that's the result of an interpretation as Senator Friedland pointed out, a misinterpretation of the intent of the legislation in 1979, where a court held you could only raise it if you did it within sixty days of January, 1980. This would say at every renewal, reasonable increases as long as there's sixty day notice.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur with House Amendments 1, 2 and 5 to Senate Bill 1376. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 12, 4 voting Present. The Senate does...does concur with...House Amendments 1, 2 and 5 to Senate Bill 1376. And the bill, having received the required constitutional majority, is declared passed.

1380, Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1380.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Senate non-concur in House Amendment No. 1 to Senate Bill 1380.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz has moved to non-concur with House Amendments -- House Amendment 1 to Senate Bill 1380. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senate Bill 1388. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1388.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The House added a technical amendment to the Emergency Planning and Community Right to Know Act. I would move for concurrence in House Amendment No. 1 to Senate Bill 1388.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1388. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur with House Amendment to -- House Amendment 1 to Senate Bill 1388, and the bill, having received the required constitutional majority, is declared passed. Top of Page 25. Senate Bill 1391. Senator Netsch. Senate Bill 1391, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 1391.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would move to non-concur in House Amendments No. 1 and 2 to Senate Bill 1391, so that we could conform it to the bill that we passed out of the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch has moved to non-concur with House Amendments 1 and 2 to Senate Bill 1391. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Motion carries; Secretary shall so inform the House. Senate Bill 1413. Senator Smith. Senate Bill 1413, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 1413.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1413 and Amendment No. 2 merely, as passed by the Senate, addresses the issue of pregnant recipients who may be substance abusers. House Amendment No. 1 <sic> maintains the original bill and makes minor technical changes. And according to the Department of Public Aid, Senate Bill 1413, as amended by the House Amendment No. 1 <sic>, has no fiscal impact on the Department. I move for your adoption on this concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendment 2 to Senate Bill 1413. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 7, none voting Present. The Senate does concur with House Amendment 2 to Senate Bill 1413, and the bill, having received the required

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constitutional majority, is declared passed. Senate Bill 1417,
Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1417.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would move to concur in House
Amendment No. 1 to Senate Bill 1417. What the amendment did was
to prohibit the issuance of a liquor license to an alderman or
member of the city council in the City of Chicago, or to a member
of the county board in Cook County. I would move to concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Weaver.

SENATOR WEAVER:

Question, Senator Welch. May downstate aldermen obtain liquor
licenses under this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Yes, Senator. That was the original bill that we passed.
What the amendment does is just say the aldermen in Chicago cannot
obtain one, and the county board members in Chicago cannot obtain
one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Why is it downstate aldermen can own taverns and Chicago
aldermen can't?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

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Someone in the House thought this was a good idea. I'm not sure which Member of the House. But somebody in the House did. I -- it didn't really matter to me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor. Senator, our analysis says that currently, aldermen, trustees, mayors, village presidents and law enforcement officials may not have a license. Does this bill remove that prohibition for everybody?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The -- the answer is no. It still prohibits a member of the -- the Liquor Commission -- the commissioner from holding a license.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

I'm sorry. I -- I didn't -- you -- you say it prohibits the holder or a member of the liquor commission. Okay. So if -- I guess my question was that in most small towns in downstate Illinois, I think the mayor is the Liquor Commissioner. And would he still be prohibited from being a liquor commissioner and holding a license?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The mayor, being the Liquor Commissioner, would be prohibited from holding a liquor license. Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator -- further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, I think this is a good amendment. And I think it's a good bill. I know there's a lot of them out there that say, "Well, why and why not?" But my goodness, let's quit the hypocrisy. Representatives can hold liquor licenses. Senators can hold liquor licenses. Why do we tell an alderman that he can't? It makes no sense to me. Let's quit making second-class citizens out of our tavern owners. They're good, decent retailers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As Minority Spokesman of the -- the Local Government, I have seen this bill in front of the Local Government Committee on several occasions. And frankly, before we managed to keep it inside the Committee. I'm not sure that we really want to do this. In effect, what it says is that City Councilmen, aldermen, presidents of the villages, mayors of the -- of the cities, if they are not liquor commissioners, can have a liquor license. Now, you know, it just seems to me that that's stretching a point. Obviously, those are the ones that are -- that are appointing the liquor commissioners or are dealing with handing out these -- some of these licenses. I just don't think this is a good idea. We -- we defeated it before in Committee. I think now that it's on the Floor, we ought to defeat it one more time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Welch may close.

SENATOR WELCH:

Let me correct Senator Fawell on two points. You didn't

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defeat it in Committee when I sponsored it two years ago, because I had it on the Floor. In fact, I had 30 votes, and then two Members who were ill, were off the Floor. So, I'm not sure where -- when you defeated it. But it wasn't when I was the sponsor. Secondly, what the bill says - the underlying bill - is that any member of the local liquor control commission, a mayor, any president of the village board of trustees, or any chairman or president of the county board still cannot have a liquor license. So there are still many restrictions on this. All this House amendment did was say that that is going to stay in effect - this portion of the bill - except that in Chicago, it goes back to the former way of doing things, which was prior to this being enacted. So, the amendment only affects Chicago. So I would move for a concurrence in the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate concur with House Amendment 1 to Senate Bill 1417. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 27, none voting Present. The Senate does not concur. Senator Welch.

SENATOR WELCH:

Well, did we have a ruling yet on whether that means that it - is non-concurred and goes back to the House? Or do I have to put it on Postponed Consideration?... (inaudible)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we -- we -- we have today put motions on Postponed Consideration. If that is not your choice, then you would move to non-concur, and...

SENATOR WELCH:

I thought we were going to have a ruling later in the day, and

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I thought it was six o'clock, so we might have one. I would move to put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

At three minutes to six, Senator Welch moves to non-concur with House Amendment 1 to Senate Bill 1417. And all those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Motion carries, and the Secretary shall so inform the House. Senator Welch.

SENATOR WELCH:

I didn't make a Motion to Non-concur. I don't know how the Chair can make one for me. I move to put it on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Welch, I can tell you, in years past, it's been automatic, unless the sponsor puts it on Postponed Consideration.

SENATOR WELCH:

Well, I asked for Postponed Consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Postponed Consideration. 1424. Senator Berman. Senate Bill 1424, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 1424.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. Senate Bill 1424, as amended, is the Taxpayer Bill of Rights. It's identical with these two amendments, to House Bill 1100, that we passed out of her last week. So I move to concur in House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman, did you move to concur? All right. Discussion? If not, the question is, shall the Senate concur with

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House Amendments 1 and 2 to Senate Bill 1424. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 1424, and the bill, having received the required constitutional majority, is declared passed. 1425. Madam Secretary, Senate Bill 1425.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1425.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Amendment No. 1 to Senate Bill 1425 deletes language referring to the Unclaimed Property Act. And I would ask that the Senate concur in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... Senator -- discussion? Senator Weaver.

SENATOR WEAVER:

Question of Senator Luft. Under this amendment, Senator Luft, will the State Pension Funds lose about twenty million dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

No. This amendment deletes any reference within Senate Bill 1425 to the Unclaimed Property Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1425. Those in favor will indicate by -- those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record. On that question, that Ayes are 47, the Nays are 8, 1 voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1425, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1428, Madam Secretary.

SECRETARY HAWKER:

House Amendment 1, 2 and 3 to Senate Bill 1428.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. If it would be possible, I would like to divide the motions on Senate Bill 1428. Move to concur, first of all, on Amendments 1 and 3. And then on a separate motion, move to concur on Amendment No. 2. And I would be moving, first of all, to concur on Amendments 1 and 3. And I -- Amendment No. 1 just adds an immediate effective date. Amendment No. 3 removes language that the Department of Revenue objects to. And the reason I'm asking for this, I understand there's a little bit of discussion on Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Madigan moves to concur with respect to Amendments 1 and 3. Discussion? The question is, shall the Senate concur with House Amendments 1 and 3 to Senate Bill 1428. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none. The Senate does concur with House Amendments 1 and 3. Senator Madigan now moves to non-concur. Senator Madigan.

SENATOR MADIGAN:

To concur. I want to move to concur on Amendment No. 2 as well. And do we understand? Do I? All right. On Amendment No.

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2, added on by the House -- the intent of Amendment No. 2 is to clarify the present law regarding pit blinds being two hundred yards apart from one another. Apparently, there's a little discussion as regards noncommercial and commercial blinds and the property lines and disputes arising from a pit blind being established near a property line and a commercial property adjacent to that noncommercial blind, and the effect presently, under the law, is that pit blinds can end up twenty yards apart, as opposed to the present law of two hundred yards. And this is an attempt to clarify the intent of the law and allow the Department of Conservation to enforce that law. And I would ask for concurrence on that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President. In all due respect to the sponsor of this bill or to this particular amendment, I do have a very serious concern about it. I know that in most of your districts that probably goose hunting does not have as much effect, but it has quite an economic effect in Southern Illinois in eleven counties that I represent. And over the years, the present regulation has been in effect by the Department of Conservation. And up until last year, as far as I know, there had not really been a problem. Last year, there was one isolated problem, and the Department of Conservation issued, half-way through the hunting season, an Administrative Order to more or less deal with it like they are here today. There are other ways of dealing with this problem. This is seriously going to affect especially the private landowners that will hunt or friends that will hunt in the goose pits or blinds. And over the years, this is -- there has not been any hazardous problem. I think there are other ways that the Department could deal with this after they have in the

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Administrative Order enacted last year. There has not been any public hearings. Actually, if there is a desire to do something of this nature, I think that the Department of Conservation should have a hearing in the area. Find out more about what the problem is, and a better way of dealing with it. I would ask for you to vote No against this -- concurrence, and remove this here amendment from what is a good bill except for the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Just a question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Why do we have to have this? And follow that up - can you tell me what the normal distance between -- pits is now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. The law presently specifies that the pit blinds should be two hundred yards apart and one hundred yards from the property line. What's being done now is that small parcels of property are being leased on quitclaim, and then claiming the boundary line cannot be met. So you have a situation where you have pit blinds within one hundred yards - closer than one hundred yards of the property line.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Well, it seems to me that this could have a negative impact on goose hunting. I'm not a goose hunter myself. But if we're trying to restrict a number of blinds

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and a number of pits that you can have, it could have a negative impact. I'd have to agree with Senator Rea that in Southern Illinois, this is one of the areas that we have a great deal of potential as to attract hunters in the fall and winter to come into Southern Illinois to hunt. And I think by advocating provisions such as this particular amendment could have a negative affect on that. So I would agree with Senator Rea, and think we ought to reject this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I hadn't planned to get up and talk on this, but it seems to be some discussion you're not giving full consideration. Under the present law, the two hundred yard differences between pits is there for safety. A knowledge factor is approximately a hundred yards is -- can be dangerous to an individual -- a shotgun pellet fall on. The rules were put in for two hundred yards distance between the pits for safety. What happened, you have a group of people who pay an excellent fee to landowners to lease a goose hunting area. What happened, was present last year - a commercial goose hunter or a personal landowner quitclaimed a small strip of land a hundred yards or less, to an individual to put in a goose pit which is twenty yards - twenty yards, Ladies and Gentlemen - which is a deadly range with a shotgun. And they put that goose pit in within twenty yards of the already existing pits that had existed on the land that had been leased. Gentlemen, think twice before you vote No on this. All you're trying to do is correct a problem that someone who got greedy or for whatever reason quitclaimed a section, and then they're saying they got an exemption because they can't meet the hundred yards on each side or other words, two hundred yards sized pit. I urge all of you to vote Aye on this

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amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rea, for a second time.

SENATOR REA:

Mr. President, pardon me for speaking a second time, but there are some misconceptions as to what this actually does. And actually, because of one small plot that -- this is what has created a problem. Now the Department of Conservation and other conservation groups, over the years, have not objected, In fact, it was under their regulations that the rules came about to begin with. And what you're going to do is to punish many of the private individual landowners that may have a five-acre tract or ten-acre tract whether there has not been -- I'm for safety. I always have been and will continue to be. But this is not getting at the problem in the right way. And what you're doing is that you're going to inhibit, and you're going to, as Senator Watson said, create a serious problem here that does not have to be dealt with in this manner. I would ask for you to vote No on the concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan may close.

SENATOR MADIGAN:

Thank you, Mr. President. I think the issue has been fairly well discussed. And I think it just boils down to a point of commercialism versus a little hunter safety. And I would ask for its concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur with House -- in House Amendment 2 to Senate Bill 1428. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 20,

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none voting Present. The Senate does concur with House Amendment No. 2 to Senate Bill 1428, and the bill, having received the required constitutional majority, is declared passed. 1443. Senator Holmberg. Senate Bill 1443, Madam Secretary.

SECRETARY HAWKER:

House Amendment 6 to Senate Bill 1443.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. House Amendment No. 6 to 1443 requires the Board of Higher Education, the Board of Regents, in cooperation with NIU, to take a look at several pieces of property in Rockford, already in the public domain, before they make a final decision on where to locate the NIU branch in Rockford.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment No. 6 to Senate Bill 1443. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 7, 1 voting Present. The Senate does concur with House Amendment 6 to Senate Bill 1443, and the bill, having received the required constitutional majority, is declared passed. 1449. Senator Jones. 1450. Senator Holmberg. Senate Bill 1450, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1450.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. House Amendment 1 to Senate Bill 1450 deals with the Advanced Photon Source at the Argonne

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Laboratories. There is a seven-billion-dollar Advanced Photon Source being constructed at the Argonne National Laboratory which is expected to stimulate rapid advances in American industrial research. This bill creates the Advanced Photon Source Task Force within ENR to develop opportunities for providing Illinois' small-size and medium-size businesses with access to that facility. And I would recommend concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1450. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 5, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1450. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 1451, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1451.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Senate non-concur in House Amendment No. 1 to Senate Bill 1451.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz has moved to non-concur with House Amendment 1 to Senate Bill 1451. All in favor will indicate -- Senator DeAngelis.

SENATOR DeANGELIS:

Well, I would like to ask Senator Lechowicz why he's not concurring?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

I didn't hear the question. I'm sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator DeAngelis.

SENATOR DeANGELIS:

I would like to ask the sponsor why he's not concurring, because the amendment is nothing more than an effective date amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

That is correct. It's the wrong effective date.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I didn't hear that. Senator Kelly was talking to me. Senator Lechowicz has moved to non-concur with House Amendment 1 to Senate Bill 1451. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 1456, Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1456.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. This one also has a defective effective date. And I move that the Senate do not concur in House Amendment No. 1 to Senate Bill 1456.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. I think Senator DeAngelis got the message. The -- Senator Lechowicz has moved to non-concur. Senator DeAngelis, for

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what purpose do you arise?

SENATOR DeANGELIS:

Just to enlighten us. What is the right effective date?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. It's coming up pretty soon. Senator Lechowicz has moved to non-concur with House Amendment No. 1 to Senate Bill 1456. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 1463. Senator Luft. All right. We have effectively finished Page 25. Senator Kelly, you have an announcement?

SENATOR KELLY:

Thank you, Mr. Chairman -- Mr. President. We do have a meeting tomorrow at ten o'clock, of the Executive Appointments, Veterans Affairs and Administration Committee in Room 212. And I would appreciate all the Members being there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further business to come before the Senate? Senator Hall moves that we stand adjourned until tomorrow afternoon, at the hour of noon. Tomorrow at noon.

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